

CONFIDENTIAL

NEWS, VIEWS and ISSUES

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No. 28

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CONFIDENTIAL

Governmental Affairs

U.S. NEWS & WORLD REPORT, Jan. 29, 1973

NIXON TACKLES THE STATE DEPARTMENT

If the President's idea prevails, the State Department is in for big changes. But it's a remodeling job that other Presidents have found frustrating.

Now being set in motion is a complex undertaking to which President Nixon is giving high priority as he starts his second term: overhaul of the unwieldy Department of State to make it more responsive to his own objectives and desires.

It's a familiar goal, sought by many Presidents in the past. And if history is any guide, it will be elusive.

The extensive shake-up which Mr. Nixon has ordered is the fourteenth effort since World War II to reshape the sprawling Department whose bureaucracy John F. Kennedy once likened to a "bowl of jelly."

This move is in line with the Chief Executive's determination to tighten the White House grip on the whole structure of federal operations.

A new team of men described as "innovators and activists" was assigned to take over at the State Department at a level just below Secretary William P. Rogers. Members of this group are:

- Kenneth Rush, Under Secretary of State. Mr. Rush, who has served as Ambassador to West Germany and as Deputy Secretary of Defense, is an old and trusted friend of the President's. He taught at the Duke University law school when Mr. Nixon was a student there 35 years ago. Associates regard him as a forceful administrator, who knows what Mr. Nixon wants and how to achieve it.

- William J. Porter, Under Secretary for Political Affairs. A career diplomat for more than three decades, former Deputy Ambassador to South Vietnam and former Ambassador to South Korea, Mr. Porter is said to have won the President's high esteem by the way he handled his job as chief U.S. delegate to the Paris peace talks on Vietnam.

- William J. Casey, Under Secretary for Economic Affairs. Mr. Casey, New York lawyer and a World War II officer in the Office of Strategic Services, was brought to Washington by Mr. Nixon in 1971 as Chairman of the Securities and Exchange Commission. He is credited with having instituted a number of significant changes in operations of the SEC and is known in capital officialdom as the kind of "doer" that Richard Nixon prefers.

Mr. Casey's job at the State Department has just been created. It reflects the Administration's conviction that economic issues are replacing military security and defense alliances as the main

diplomatic problems of the 1970s. Mr. Casey is expected to work closely with Secretary of the Treasury George P. Shultz, who is functioning in a White House role as overseer of economic affairs, both domestic and international.

Emphasis on youth. One aspect of the State Department reshuffle is action—ordered by the President—to promote younger officers in the Foreign Service to positions where greater use can be made of their talents, energies and ideas. A White House official reports:

"The President feels that there are now in the Foreign Service a number of qualified people in the 30-to-40 age bracket doing routine jobs, and he wants to give them an opportunity to move up."

To make room, some older officers of the Foreign Service will be transferred to other areas of Government.

Besides the "housecleaning" pressure being exerted from the White House, internal reform—launched three years ago by William B. Macomber, Deputy Under Secretary for Management—is being accelerated.

The reform program is designed to put added emphasis on teamwork, to make better use of brain power, to increase opportunities for younger officials to let their voices be heard and to have a say in decision making.

A main goal of the changes is the bolstering of State Department morale, which insiders characterize as "shaky." Among reasons cited:

Shrinkage. Although the State Department is listed as having in excess of 35,000 employees, this encompasses about 11,500 persons with the Agency for International Development (AID) and 10,500 foreign nationals in jobs overseas. Over all, the total of American citizens on the regular State Department payroll—including communicators, technicians, clerical workers and other nonprofessionals—fell from 13,800 in 1962 to 12,100 in 1972. Between 1962 and 1972, the number of Foreign Service officers dropped from 3,760 to 3,190.

Fewer posts. Although 22 additional American embassies were set up between 1962 and 1972—because of the emergence of new countries—the total number of U.S. diplomatic offices abroad declined from 276 to 248. Many consulates—including such long-established offices as those in Tampico and Veracruz, Mexico, and Glasgow, Scotland—were shut down to save money.

Latest figures on U.S. missions abroad are: 126 embassies, 68 consulates general, 45 consulates. Also there are 9 missions to the United Nations and other international organizations.

Rising costs. Even with fewer Americans in State Department jobs, the Department's budget rose from 408 million dollars to an estimated 600 million this year. Like the other agencies of the Gov-

ernment, the State Department is under orders to hold down spending.

Dwindling recruitment. In keeping with instructions to economize, only 82 of the more than 10,000 persons who took the examinations for jobs as Foreign Service officers in 1972 were commissioned—far from enough to balance the estimated 200 who retired or resigned. In 1962, the Foreign Service had 1,104 junior officers; in 1972, only 523.

Heavier work load. While manpower has gone down, responsibilities have increased, officials say. The great upsurge in foreign travel by Americans and the flow of American investment overseas are just part of the picture. New problems are demanding attention—the international drive against the traffic in narcotics, outbreaks of terrorism, the menace of skyjacking, for example.

Also, officials note that the State Department is called upon to supply a "constant stream" of detailed studies and other data to the staff of the National Security Council, headed by Henry A. Kissinger, the President's Assistant for National Security Affairs.

Among State Department professionals, hope is expressed that the shake-up ordered by Mr. Nixon and the Department's own program of reforms will enable it to regain some of the prestige it lost to Mr. Kissinger during the first Nixon term.

It is generally conceded that Mr. Kissinger was in a better position than the State Department to help the President make important breakthroughs—such as his summit trips to Peking and Moscow and the secret talks on a Vietnam truce.

For one thing, the secrecy which Mr. Kissinger needed would have been difficult to assure had the State Department been handling the supersensitive negotiations.

As a former Secretary of State, Dean Rusk, remarked: "We have to resign ourselves to the fact that we work in a Government that doesn't know how to keep its mouth shut."

Spadework volunteers. Be that as it may, the feeling at the State Department is that because the breakthroughs have been made, the time has come for the White House to call upon experts in the entire Foreign Service to do more of the spadework needed to enlarge upon diplomatic initiatives.

Some professionals contend that premature optimism last October about a Vietnam agreement might have been avoided if Foreign Service specialists had been advising Mr. Kissinger on a closer basis.

Said one official:

"There is resentment—justified or not—among Foreign Service officers who feel that for the most part they have been cut out of the main action during

the last four years."

Within the Department, there has been criticism of Secretary Rogers. A knowledgeable source commented:

"Rogers does his best work behind the scenes—and tells few at the Department what he is doing. The Secretary is part of the top strategy conferences, along with the President and Henry Kissinger, but he doesn't talk about his role, doesn't put his best foot forward in public."

"This has an adverse effect on the great bulk of the Foreign Service. Not aware of what Mr. Rogers is doing, many career people fear that the service in which they have staked their futures is being downgraded."

Rogers—no "headlines." Another comment from an insider:

"For most of the Foreign Service professionals, the situation looks bleak. Kissinger, not Rogers, gets the headlines. Kissinger, not Rogers, sat in on the President's talks with Mao Tse-tung and Leonid Brezhnev. Kissinger, not Rogers, dealt with Hanoi. All of this contributes to the morale problem."

Officials say that as new vitality is sought, one of the toughest tasks is to persuade other agencies of the Government that the role of leadership in foreign affairs properly belongs to the State Department.

It's pointed out that over the years increased activity abroad has been undertaken by the Defense, Treasury and Commerce Departments, the Central Intelligence Agency, AID and the U.S. Information Service.

The core of that issue is that existing law specifically gives these agencies certain responsibilities overseas. Beyond that, the State Department does not have the manpower and resources to take over the jobs that others are doing.

Fresh approaches? Despite all the difficulties with which the Department is confronted, some key officials express confidence that fresh approaches will pay off in enhanced prestige.

One such change is the shift in emphasis from old-fashioned, orthodox diplomacy to international trade and monetary issues that the Department is bracing itself to meet around the world.

In this connection, an effort is being made to recruit young Foreign Service officers trained in economics. Also, a number of officers whose experience has been limited chiefly to diplomatic routine are being sent to study economics at graduate schools or at a special crash course conducted by the Foreign Service Institute.

State Department officials are concerned about the loss of some young Foreign Service officers who have decided that their talents can be put to better use elsewhere. For example, 14 have resigned in the last two years to accept jobs on Capitol Hill. But officials say that only two have quit in protest against policy. In both cases, the U.S. role in Vietnam was the issue.

Concern about the morale of younger Foreign Service officers has resulted in such steps as these:

"Open forum" meetings are held regularly, at which officers exchange ideas and complaints. Approved suggestions or complaints are sent directly to the



THE SHRINKING STATE DEPARTMENT

AMERICAN EMPLOYEES: 12,100 at latest count, down from 13,800 a decade ago.

FOREIGN SERVICE OFFICERS: 3,190, down 570 from the end of 1962. Average age of this force of American professionals is rising. Only 15 per cent are in starting grades now, compared with 30 per cent 10 years ago; 25 per cent are in top grades, up from 19 per cent in 1963.

DIPLOMATIC OFFICES: 248 embassies, consulates and missions around the world, compared with 276 a decade earlier.

SPENDING: An estimated 600 million dollars this year, up from 408 million in 1963, largely because of inflation.

FOREIGN AID: 3.3 billion dollars of economic and financial assistance is going to 86 countries this year, down from 4 billion to 98 countries in 1963.

Secretary, who answers all of them, accepting several ideas and explaining why others are rejected.

Ambassadorial conferences are scheduled periodically. On these occasions, chiefs of mission meet with younger officers, whose immediate supervisors are not present and who are encouraged to speak out frankly. Both policy and administration are discussed.

As explained by an aide to Deputy Under Secretary Macomber, the current concept in the State Department is this:

"The Department cannot oblige a President to put it to greater use—but can improve itself enough to show him that we are capable of doing a job better than anyone else—better than we have in the past. We must make our

elves more obviously useful to the White House."

In the words of Mr. Macomber himself, leadership "can only be earned by competence." The Deputy Under Secretary warned that unless the Department makes itself capable of taking the lead in handling foreign affairs, "this will be done for us" by somebody else.

During Mr. Nixon's first term, dramatic developments in foreign policy were centered in the White House, which seemingly paid scant attention to the State Department's machinery.

Now, the President is stressing that he wants that machinery remodeled.

As the remodeling gets under way, many in Washington are mindful of the frustrations experienced by past Presidents who wanted the same thing.

NEW YORK TIMES
28 January 1973

ESPIONAGE CHARGE DENIED BY WILSON

LONDON, Jan. 27 (AP)—Former Prime Minister Harold Wilson denied today a report that he hid an American spy in his residence outside London where he met with Soviet Premier Alexei N. Kosygin in 1967 for secret talks on Vietnam.

Mr. Wilson also denied that a United States agent was given drafts of documents that he drew up before the talks or a transcript of a telephone call between Mr. Kosygin and Leonid E. Brezhnev, the Soviet Communist party chief, that British intelligence had allegedly tapped.

The charges, which were made by Brig. Gen. Paul Gorman in testimony yesterday at the Pentagon papers trial in Los Angeles, were "a totally incor-

rect version" of what took place, Mr. Wilson contended.

He denied that British agents had tapped a telephone conversation between Mr. Kosygin and Mr. Brezhnev.

General Gorman said a United States agent, named Chester Cooper, had lived at 10 Downing Street, the official residence of British prime ministers, so that he could work with Mr. Wilson as he prepared for the meeting with Mr. Kosygin.

The general said that the agent later hid in what he described as a "garret prison room" at Chequers when the two leaders met. There was no indication whether the agent was able to hear what they discussed.

Mr. Wilson said that Mr. Cooper, whom he described as the President's special representative, was not in a position to know what he and Mr. Kosygin said.

The cloak-and-dagger story was reported in four previously

unpublished Pentagon papers that dealt with British-American links.

Mr. Wilson said in a statement: "There is also a suggestion that Mr. Kosygin was unaware that I was in touch with the White House. They are a totally incorrect version of what happened. There was no spy at Chequers."

Mr. Wilson said he had been in touch with the White House about the Chequers talks before he met Mr. Kosygin because of the possibility of extending a Vietnam cease-fire then in effect.

"In view of the urgency and the time factor, Mr. Cooper was at Chequers specifically to keep in direct telephone touch with the White House so that I could communicate to Mr. Kosygin any decision the President made," Mr. Wilson said.

But, he stressed, Mr. Cooper did not eavesdrop on the talks between himself and Mr. Kosygin.

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PROGRAM **Firing Line** STATION **WETA TV**
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DATE **January 21, 1973** 10:00 P.M. CITY **Washington, D.C.**

FULL TEXT

WILLIAM F. BUCKLEY: Last Sunday, Senator Edward Kennedy proposed in the New York Times that President Nixon, having, after all, gone to China and reestablished informal relations there, there is no purpose left to be served in continuing to ostracize Cuba. Mr. Kennedy's point struck many people as logically compelling as we see the ongoing collapse of commitments and alliances annealed by the spirit of resistance to communism a generation ago. Among greater and lesser casualties of that dissolution is the Central Intelligence Agency, whose organizing bias, if you will, was the postwar decision to let communism move no further.

To discuss these points we have two guests. Mr. Mario Lazo became an American citizen only a few days ago, though he has lived half his life here, the other half in Cuba. He was among the two or three best known lawyers in Havana, the founder of a huge firm well-known among other things for its philanthropic activities. He left Cuba after the Bay of Pigs and published a year or so ago a definitive account of the failure of the move to liberate Cuba, "Dagger In The Heart."

Howard Hunt was intimately involved as an official in the CIA in the Bay of Pigs. Indeed, the New York Times named him as the principal CIA official directly involved in that venture. He is a graduate of Brown University, who was a war correspondent for Life magazine, a freelance writer who has published forty-two books, most of them spy novels. On retirement from the CIA after twenty years of duty, he did freelance work as a White House consultant and last June was arrested in connection with the Watergate case. Last Monday he pleaded guilty before federal court and the sentencing is yet to come. The presiding judge and Mr. Hunt's own lawyer have forbidden him to speak about Watergate. But his involvement there has not, presumably, diminished his knowledge of the CIA and Cuba and his special qualifications, born of long experience, to discuss the CIA and foreign policy.

The lawyers from Washington have only just now advised us that we may not submit to questioning as usual by the panel, to whom I apologize.

I should like to begin by asking Mr. Hunt whether his public identification as a long-time CIA official confers upon him now the right, if only in self-defense, to describe with appropriate discretion some of the activities of the CIA, particularly as they relate to Cuba.

E. HOWARD HUNT: I believe that it does, Mr. Buckley. After all, it was not I who identified myself as a former employee, officer, or official of the Central Intelligence Agency. That information came from the government itself. And I considered it then, and I consider it now, a unilateral abrogation by the

government of the commitment that we entered into upon my retirement from the Central Intelligence Agency.

BUCKLEY: Your point is that -- that when you were arrested somebody in the government...

HUNT: May I interject? I was never arrested.

BUCKLEY: When you were what? Detained? Or...

HUNT: I was -- I surrendered to U.S. authorities at the appropriate time.

BUCKLEY: Uh-huh.

HUNT: But I was never at any time arrested.

BUCKLEY: Well, was there -- had that -- was there at that point a warrant for your arrest?

HUNT: No warrant was ever issued for it.

BUCKLEY: No. Uh-huh.

HUNT: I was never a fugitive.

BUCKLEY: Yes. But -- but -- at that -- at that point, as I understand it, the fact of your having been associated with CIA was for the first time publicly ventilated?

HUNT: That is correct, yes.

BUCKLEY: Yes. Now, does -- does this mean that you -- you can speak about yourself as having been a member of the CIA with moral impugnity, or does it mean that you can go further in that -- than that and describe some of the activities of CIA in Cuba and some of the forecasts for CIA in the current mood of detente?

HUNT: I feel that I'm able to do that, yes.

BUCKLEY: Okay. Well, then let me ask you a direct question. The CIA is not permitted, as I understand it, to engage in domestic activity. Right?

HUNT: Right.

BUCKLEY: Now, does that mean that nobody has any right to suspect that -- that the Watergate business was a CIA operation?

HUNT: No. That -- perhaps I shouldn't have answered your earlier question as definitively as I did. It is known, for example, that the CIA at one time was involved in domestic operations. And I cite the discovery, the disclosure, of...

BUCKLEY: The NSA business?

HUNT: ...CIA support of the National Student Association. That was a domestic operation.

BUCKLEY: But for purposes of foreign travel, wasn't it?

HUNT: Not solely, no. They recruited American students on U.S. campuses for work in this country which led eventually

to work abroad.

BUCKLEY: Well, what -- what about the suspicion, that has been widely ventilated, that experience, especially lifelong experience, with the CIA teaches a person to forget about the legal impediments that lie between him and the accomplishment of a mission that he seeks to -- to achieve? In -- in the grownup world, as I understand it, everybody recognizes that it is illegal for a CIA operative to -- to -- to work in Cuba and it's illegal for a Cuban operative to work in the United States but they both do it.

HUNT: Yes.

BUCKLEY: Now, under the circumstances, I guess the question I'm asking is, if one spends twenty years working for the CIA, is it likely that on returning to one's own country one has so much absorbed the ethos of the CIA that one tends to go after what it is that one wants and to consider local legislation that stands in the way as sort of irrelevant?

HUNT: If one even were to consider local legislation. It would not be illegal under United States law, for example, for CIA to mount an entry operation in Ottawa or -- or Fort Erie, Canada, the other side of the Peace Bridge. But here we have a geographical distinction. We would not be guilty under United States law of -- of, let's say, a second-degree burglary charge by the United States for an operation that we conducted in Canada, or in Mexico; we would be were it conducted in Florida or Texas or Southern California.

BUCKLEY: Well, I -- I wish to...

HUNT: Am I answering...

BUCKLEY: Yes, you are. And I wish to be very explicit about it. I want to abide by the -- the ground rules and not -- not try to -- any sneak punches. But I guess what I'm -- what I'm asking is, is -- is it fair to say, without violating our understanding, that in approaching the Watergate business you and your associates approached it in the spirit of a CIA operation?

HUNT: Yes.

BUCKLEY: Uh-huh. Uh-huh. Now, Mr. Lazo, may I -- may I ask you this: at -- at what point did you understand the CIA to be engaged in an operation the objective of which was the deposition of Castro?

MARIO LAZO: At what point did I...

BUCKLEY: Yes.

LAZO: ...understand the CIA to be...

BUCKLEY: Historically at what point, yes.

LAZO: ...engaged in what?

BUCKLEY: In an operation the objective of which was the deposition of Castro?

LAZO: Well, I would say that goes back to the Bay of Pigs.

BUCKLEY: Surely not -- not before then? You didn't

know the CIA wanted to oust Castro until the Bay of Pigs, until the Marines landed?

LAZO: No, I think that was the first time that I remember. You had something else in mind? If you ask me, I'll be glad to answer you.

BUCKLEY: Well, you -- you -- you were living in Havana as a Cuban citizen.

LAZO: That's right.

BUCKLEY: And you were -- as I understand it, you were helping out agents of a foreign country, including indirectly Mr. Hunt, who were pursuing the orders of the President of the United States. I'm asking you did you know what those orders were.

LAZO: Well, Mr. Buckley, look -- we worked, my partner and I worked, for many years with the CIA and the FBI. Anything we could do to help them we -- we did.

BUCKLEY: Was this in violation of Cuban law?

LAZO: No. No, this...

BUCKLEY: It's okay to work with a foreign...

LAZO: And, furthermore, the -- at that time there was no country that was closer to the United States than Cuba.

BUCKLEY: But I'm talking about post-Castro, I'm not -- I'm not talking about during pre-Castro. Were you working with the CIA or the FBI after Castro came to power? If -- if you don't want to answer, just say so. But -- if -- if you say that you don't want to answer, I understand. But...

LAZO: No, no. I'm -- I want to answer. But I'm -- the -- I never worked professionally with either one. I worked in -- we helped them in every way we could. After Castro came to power -- as a matter of fact, a year after Castro came to power, in January, 1960, when the American embassy went down, I became a self-appointed spy for the U.S.

BUCKLEY: That -- that surely was illegal, wasn't it?

LAZO: Sure it was illegal then. And by that time we knew where the country was heading; Castro had shown his colors. And what I did was to arrange with a friendly European government to send reports once a week to the FBI in this country.

BUCKLEY: Concerning what?

LAZO: Hmm?

BUCKLEY: Reports concerning what?

LAZO: Reports of everything that was happening in Cuba that the United States should know. For instance, we represented the railroads of Cuba and we had about thirty-five inspectors out and they were reporting from all over the country, and the headquarters, the main office, of the railroads was right under our office, and they would give us reports all the time and we would pass them to the American embassy. My sympathies have always been with the United States.

Now, as I was saying, when the embassy went down and it seemed to me that the United States didn't have very good sources of information anymore, then I would send reports once a week by a courier, who would go from Havana to New York to the capital of this country in Europe and he would drop off my reports; that was to the FBI. Nobody asked me to do that. Nobody ever thanked me for it. Nobody ever paid me for it. I didn't expect any thanks.

BUCKLEY: You -- you were really a volunteer collecting.

LAZO: Yes, surely.

BUCKLEY: ...information. All right. All right, now, going back to Washington, I'd like to ask this of Mr. Hunt. It is often referred to, the Bay of Pigs, as -- as the greatest fiasco in postwar American history. And -- and -- and reference to it is usually used to inspire some sort of a -- a disdain for CIA. Now, I'd like to ask you a two-part question. Number one, was it a failure of intelligence by CIA that resulted in the fiasco? And number two, if it was more than that, if it was a political failure in Washington, is it a responsibility of CIA to make recommendations with reference to their anticipation of the fortitude in Washington?

HUNT: Let me answer as follows. And I want to answer as completely and responsively as I can. First, the fiasco of the Bay of Pigs...

BUCKLEY: A little louder, please.

HUNT: The fiasco of the Bay of Pigs was not a failure of intelligence. It was not a failure of intelligence collection or of positive intelligence operations. The failure of the Bay of Pigs came about because at a critical time commitments that had been made by high officials of the United States government to the Cubans who were fighting, to their leadership in Miami and elsewhere, those officials backed away from those commitments and, in effect, abandoned the brigade at the beachhead. That was a political decision.

CIA never had any reason to believe that these commitments would be abandoned. We had, after all, been recruiting the Cubans, sending them to training camps in Guatemala for many, many months. And these were the ground rules. First of all, there was the United States fleet offshore. The Boxer was the flagship. Secondly, the -- the principal things that the -- thing that the Cubans were interested in was that they not be opposed at the beachhead by Castro airpower. And this was a definite commitment that was made. Now, this commitment was made by the Eisenhower administration, in which now President Nixon served as Vice President. And I believe he chaired the National Security Council in that capacity. So, in effect, the commitment that was made to the Cubans, who went forward and risked their lives, was nullified by a subsequent political decision of the New Frontier.

BUCKLEY: Well, was there anything to lead you to believe, between the inauguration of President Kennedy and the Bay of Pigs, that he had second thoughts about it?

HUNT: There was this. First of all, during the campaign President Kennedy campaigned -- then Senator Kennedy campaigned on a promise of help to the Cuban exiles. Pres -- Vice President Nixon, who was intimately involved with the operational planning from his position in the National Security Council, could not

rebut or refute the Kennedy argument because his lips were sealed. He knew what in...

BUCKLEY: Which Kennedy argument?

HUNT: ...fact we were doing.

BUCKLEY: Which Kennedy...

HUNT: The Ken -- the Kennedy argument that the United States should do something to help overthrow Castro.

BUCKLEY: Why would he want to refute it? Oh, you mean he couldn't say, "Yes, indeed I agree with him. And in fact we intend to..."

HUNT: "And in fact we are so doing," yes.

BUCKLEY: Uh-huh.

HUNT: Evidently the political decision was made to say nothing about it. So this was a plus factor in the Kennedy-Nixon debates, a plus factor for Kennedy.

BUCKLEY: Did -- did...

HUNT: Kennedy actually knew, of course, what we were doing.

BUCKLEY: But he could appear to be more hawkish than Nixon.

HUNT: Yes. That's right. And Kennedy knew perfectly well what we were doing, because he was receiving, as the Democratic candidate, daily briefings from CIA. And he was taking advantage of that knowledge.

BUCKLEY: Not daily briefings from Drew Pearson?

HUNT: [Laughs] Quite conceivably...

BUCKLEY: Yes.

HUNT:too. Again, to answer perhaps more specifically to your question, shortly after the election and it was made known that Kennedy had -- had been elected, we were ordered to close down all recruiting and training activities for time -- for the time being. Everything was put into suspense. During this period, Allen Dulles, Dick Bissell, some of the other principal officers of CIA went down to the Kennedy Palm Beach compound and told him exactly what the situation was. In due course, after about two or three weeks, the commitment was made: go ahead, continue as before.

BUCKLEY: [Unintelligible under Hunt's remark]?

HUNT: Yes.

BUCKLEY: Well...

HUNT: To us that was perfectly understandable, that an incoming President would want to review what his predecessors had done.

BUCKLEY: Uh-huh.

HUNT: There was no intimation from them, and certainly

no inference on our -- on our part, that there would be a drawing away from the overall commitment, which was to overthrow Castro and regain Cuba for the free world.

BUCKLEY: Right. Now, the -- Senator Kennedy has said...

HUNT: Senator Edward Kennedy?

BUCKLEY: Yes. I'm sorry. Edward Kennedy has said apropos of the situation that only -- only an armed invasion would have persuaded -- or, would have succeeded in causing Castro to be overthrown. Now, I take it everybody agrees that that was the case when Castro first took power. He -- he -- he was very popular at that point. To what extent was the intelligence reckoning about -- on the Bay of Pigs dependent on a view of a transformed attitude towards Castro by the Cuban people? Did you proceed -- and I'd like for Mr. Lazo also to comment on this -- did you proceed on the assumption that people whose mission it was to overthrow Castro would be universally welcomed?

HUNT: Not universally, no. But certainly by a majority of the Cuban people. This is not to say that we viewed the -- the Cuban citizenry under Castro as a military asset to ourselves. We viewed them as probably being responsive to early indications of victory and of overwhelming force that we intended to show. Again, I should bring out that our -- that the New Frontier did dilute our original plans. It was to be -- instead of an armed airborne envelopment of the -- of the central city in Cuba, this was minimized, apparently by Dean Rusk.

I bring out a number of these points in a forthcoming book which I've written on the subject called "Give Us This Day"; and it's subtitled "CIA and the Bay of Pigs Invasion."

BUCKLEY: And it details -- it details these changes in...

HUNT: It details these changes, yes.

BUCKLEY: In planning. Uh-huh.

HUNT: That's correct.

BUCKLEY: Well, Mr. Lazo, what -- what is your comment, then, about the attitude of the Cuban people in April of 1962 -- '61?

LAZO: I hope that you won't think that this is a digression, but may I go back a little bit...

BUCKLEY: Sure. Sure.

LAZO: ...and tell you about my -- how I met Bernard Barker, who is one of the group -- the Watergate group...

BUCKLEY: Sure.

LAZO: ...and who was very active in the Bay of Pigs?

BUCKLEY: Sure.

LAZO: May I -- may I do that?

BUCKLEY: Of course.

LAZO: It has a bearing on this. Barker was brought to my office shortly after World War II by the military attache

of the American embassy, a fellow named Colonel Buzz Grant. His problem was that he had done security work to protect Mrs. Truman and Margaret Truman on a visit they had made to Cuba...

BUCKLEY: As -- as a Cuban citizen, Barker?

LAZO: He was an American citizen.

BUCKLEY: American citizen.

LAZO: But the Cuban -- the Cubans -- he spoke perfect Spanish; he was born in Cuba, I believe. And the Cubans asked him if he would head a group to give the security to the -- Mrs. Truman and Margaret Truman. He was glad to do that. That's not done in the way that you would normally think. For instance, they didn't -- he didn't -- they don't follow 'em around in a patrol car or anything like that. The way they do that is that they assign Cuban secret servicemen to the various dives and places in Havana, which was a city of a million people, where the underworld gathered.

BUCKLEY: Uh-huh.

LAZO: These people are disguised. Sometimes they feign intoxication, although the Cubans don't drink very much. And they keep their eyes open and their ears open, and if they see anything suspicious or hear anything, they follow 'em and they do plenty of bugging of telephones. And that goes on for -- for a week or ten days.

Barker was the head of this Cuban group, you see. But in taking this job he had signed a police form which was handed to him, and it turned out that this police form contained a -- an oath of allegiance to Cuba. And somebody heard about that, some kid in the embassy heard about it and reported it to Washington, and then they took away his citizenship. And Colonel Grant, when he brought Barker to me, said, "Mario," he said, "this fellow has had a wonderful war record, was a captain in the American Air Force. He was the first fellow to volunteer from Cuba. He had something like twelve missions over Germany. He was shot down. He was in prison there. And I wish you'd help him. Everybody admires him." So of course I did help him. And that was arranged.

Now, the second thing that happened was a little more dramatic. This was in early 1960 after Castro had been in power about a year. Barker came to me one time, distraught and nervous, and his problem then was that he had had hiding in his house one of his closest friends who had been doing counterrevolutionary work and had been there a couple of weeks and finally had decided to make a move and got caught. And under the pressure of torture he'd confessed where he was. And Barker had wisely arranged to call his wife every two hours from a pay station in Havana to a grocery store near their house in the suburbs. He had a daughter, a little girl by the name of María Elena, Helen, she was about ten years old. And they had one faithful servant. And he thought I could get him out because we represented a couple of the American airlines. He's a very intelligent fellow. But he was, as I say, distraught; he wasn't thinking very straight. Of course to harbor a so-called "criminal" was a capital offense, too. So Barker was in danger of being killed.

So I told him exactly what you would have told him. I said, "Bernard, what you do now is you call up your wife and you tell her not to admit under any circumstances that this

fellow has been in your house in the last six months. He knows what your house looks like, 'cause he's been there; but he hasn't been there for six months. And tell that little girl of yours to say the same thing and your servant to say the same thing, and never deviate from that. And I'll do what I can to get this boy to change his story before he dies."

So in those days they permitted one member of the family to see somebody who was about to be executed. In this case, it was this boy's sister. A very attractive girl, about -- Cuban girl, about twenty-five, typical Cuban girl with -- with pale, pallid white skin, ebony black hair, flashing eyes, long eyelashes, high spirited girl. And I went to see her and I said, "Will you help my friend?" And she said, "Of course. Your friend did everything he could to save my brother. Now we have to try to save him." And I arranged for a launch to go across the bay to Cabanios [?] Fortress to see the execution. And as the priest was moving away and the squad was getting ready to fire, this fellow began screaming, in Spanish of course: he said, "One more thing. I want to say that I haven't been in Bernard Barker's house in six months." And he kept on repeating that until they shot him. But he was a very nice-looking fellow and they didn't want to shoot him. As a matter of fact, only one bullet hit him. And he slumped down. Two men went up and lifted him and strapped him up on the post. And then the man in charge of the squad told them that if they didn't shoot him they would be courtmartialed, and they shot him; they killed him.

And two days later we sprung Bernard Barker. Then he came to my office and he said, "I want you to tell me what I can do to help bring down the monster who murdered my best friend." And I took him over to the American embassy and introduced him to the CIA agent there. And that's the way he started working for the CIA.

BUCKLEY: But let me ask you this, then...

LAZO: Yes.

BUCKLEY: ...Mr. Lazo. Aren't -- aren't you using a terminology that is justified by -- by a rather dangerous use of the law?

LAZO: By what?

BUCKLEY: By a rather dangerous use of the law. I thoroughly sympathize with your and Barker's, let alone the dead man's, ambition to remove Castro. But I don't understand, really, that we -- that we can persuasively challenge the right of a country, however tyrannical its leader, to attempt to kill counterrevolutionaries. It's -- if -- if -- if the ambition of -- of -- of Barker, or of Hunt, let's say, working in Cuba, is to overthrow Castro, I should think if Castro finds out about it he's got a right to shoot you. Now, that isn't murder. You as a lawyer would know that. It's not murder.

LAZO: Just a second. Just a second. I'm surprised that a man of your intelligence should be talking the way you're talking. Fidel Castro has killed -- murdered -- twenty-five thousand boys and men whose only crime was that they clung to their democratic ideals; they were against communism.

BUCKLEY: No, I -- I'm on your side, and I hope they win; but I say if they get caught at it, they're going to be executed, and this isn't...

LAZO: That's right.

BUCKLEY: ...this isn't murder under any law I know about.

LAZO: If they get caught at it, they get executed.

BUCKLEY: If -- if King George had caught George Washington, he'd have hung him.

LAZO: Yes.

BUCKLEY: And this -- this -- this would have been something that you and I would have regretted...

LAZO: Sure.

BUCKLEY: ...but it is not something that would have been illegal under any known code.

LAZO: No, I'm not saying...

HUNT: May I suggest -- may I suggest...

LAZO: Excuse me just a second. If you'd been living in George Washington's time you would have done everything possible to help him escape.

HUNT: Isn't the distinction...

BUCKLEY: Sure.

LAZO: Well, that's what I did.

HUNT: May I suggest this? -- that -- that King -- King George was a constitutional monarch, or at least he was a recognized monarch; he overthrew nobody to achieve his position in Great Britain. Castro, on the other hand...

BUCKLEY: In the first place, his ancestors did. In the second place, Castro was recognized at the time we're talking about by every country in the world, including the United States...

HUNT: That's correct.

BUCKLEY: ...as the legitimate leader...

HUNT: However, a large segment of the Cuban population did not recognize him as their leader.

BUCKLEY: No, but that's -- that's their risk. You -- you can always appeal sub specie eternitatis and say, "Sic semper tyrannis" and try to put a bullet hole in the tyrant's heart, and I hope that the aim is sure. But I think that Mr. Lazo is confusing people by using the terminology of "murdered," "so-called 'criminal'" -- he wasn't a so-called "criminal," he was a criminal...

LAZO: They don't consider...

BUCKLEY: ...by Cuban law.

LAZO: ...it murder. The Cubans don't consider it murder.

BUCKLEY: I know. I know.

LAZO: Yes.

BUCKLEY: Because...

LAZO: They have one rule of morality: anything that advances the conquest of the world by the communist empire is good. You can lie, you can steal, you can kill. Killing is not murder to them; it's a good thing. It's not what we consider murder; I go along with you on that. Anything that hinders them is bad. That's the only...

BUCKLEY: I agree with you. But, look, if you -- if you had taken the case of the man who you saw executed to the International Council of Jurists, you could not have made a case that they would have heard...

LAZO: No.

BUCKLEY: ...because if -- if in fact he was engaged, and you have volunteered the information that he was -- engaged in counterrevolutionary activity and the crime for that was capital and he received a capital sentence, that -- that's...

LAZO: I'm not talking about legal technology -- tech -- details. I'm talking about the fact that Castro has murdered, in my opinion, twenty-five thousand men and boys whose only crime was that they clung to their democratic ideals -- taught by the United States, don't forget that. And if you had a -- a Castro in charge -- the head -- chief of state of this country, relatively and in proportion to population he would have killed five hundred and sixty-five thousand Americans. And that's just the killing. Now, how 'bout the people in prison, the political prisoners?

BUCKLEY: Yes, if you -- look, let's not waste any time in your trying to persuade me that Castro is an evil man, because I agree with you. I think he's probably as thorough a tyrant as the twentieth century has -- has produced, as -- as thorough in his own scale. But we're talking about something else. We're talking about the United States, its intelligence arm, the risks it takes, the bearing of an experience in that kind of affair on domestic life. And it may very well be that somebody like Barker -- it's easier to talk about Barker than about Howard Hunt because we're talking about somebody who isn't here -- it may be that Barker is totally seized, as the result of his experience in Cuba...

LAZO: Totally what?

BUCKLEY: Totally seized -- with a single objective. And that single objective is to do what he can for liberty as he understands it.

LAZO: And for the United States...

BUCKLEY: Right.

LAZO: And against the communists, yes.

BUCKLEY: Right. Yes, but in -- but in the course of applying that kind of license to activities he tripped against an American law and as a result of that has pleaded guilty. Now, what is your attitude towards Barker...

LAZO: Well, let's say -- you're coming to -- to Watergate now, right? You want me to speak about the...

BUCKLEY: Well, can he and I speak about Watergate without violating our code?

HUNT: I would think so. But may I just go back...

BUCKLEY: Sure.

HUNT: ...a step before you do that?

BUCKLEY: Sure.

HUNT: You had asked me about the failure of intelligence and whether or not CIA had expected a popular uprising, in effect.

BUCKLEY: Yes.

HUNT: Or whether the administration had. I have a list here of four recommendations that I made well before I joined the project, based on my personal assessment of the situation in Cuba. Now, I made this in 1959, and I will list them.

The first recommendation I made was [inaudible due to network technical difficulty] to destroy the Cuban radio and television transmitters before or coincident with the Cuban. The third was to destroy the island's microwave relay system just before the invasion begins. And the fourth: discard any thought of a popular uprising against Castro until the issue has already been militarily decided.

BUCKLEY: And your point is -- what? That history bears you out?

HUNT: My point is simply that we did not at any time expect a popular uprising. We expected acceptance of our troops.

BUCKLEY: Well, this was 1959. Castro was still popular, wasn't he?

HUNT: He was still popular, yes.

BUCKLEY: But he was dramatically less popular in '61.

HUNT: In '61, yes.

LAZO: May I speak about...

BUCKLEY: Yes.

LAZO: ...the Watergate and Bernard Barker, and my Miami friends and -- to understand Watergate, you've got to understand, in the first place, the Bay of Pigs. We've been talking about that. And you've got to understand the conditions in Cuba at the time of the election here in order to understand why these people went into the -- went into Watergate. And I want to just -- let me go back to the Bay of Pigs just for a second.

The Bay of Pigs was a struggle that took place in Washington, not in Cuba. It was a struggle between the liberal presidential advisers on the one hand and the conservative CIA and the Pentagon on the other. In between these two groups was the new President, who had never been accused of lacking either intelligence or courage, but he sided with his liberal advisers. And the key point in this invasion was the destruction of Castro's tiny air force on the ground before the invaders

hit the beaches. This was to be done by three air strikes of sixteen planes each coming from Nicaragua to the south coast of Cuba. Forty-eight sorties minimum. They knew where Castro's planes were. These were being watched by American reconnaissance, by the U-2.

What happened was this. The first strike of sixteen planes was cut in half by orders from the White House. The second strike was cancelled entirely. The third strike, after it was too late to call off the invasion, was cancelled entirely. So that instead of having forty-eight sorties minimum, you had eight. And they destroyed almost all of Castro's air force on the ground, but Castro was left with three jets, two Sea Furies, and they commanded the skies. The Cuban freedom fighters were flying from Nicaragua three and half hours to the beachhead and they had twenty minutes or thirty minutes over the target and then three and a half hours back. I thought of that yesterday when I flew from Hartford here. Seven hours to be over the target for thirty minutes at the most. And Castro's jets, which were fueling nearby, flew in -- two -- two at the same time and -- and -- and slaughtered them.

BUCKLEY: What does this have to do with Barker?

LAZO: It has a great deal to do with Barker, because Barker was one of the high-level men in the invasion, and he saw this thing happen by orders, decisions for disaster, taken in Washington, and he was -- I don't know what the word is -- absolutely humiliated by what happened. He can never forget this. Barker is a great patriot from the point of view of the United States, but he loves Cuba too. And he saw that Cuba had been betrayed; I use the word deliberately. The Cuban brigade on the beach was betrayed. They had been told that they would have continuing supplies to the beach. They never got any supplies. The Castro jets sank two of the five ships. They -- they destroyed half of the Cuban planes, the free...

BUCKLEY: But what -- what -- we're not here to talk about the Bay of Pigs, really, except insofar as it bears on current proceedings. After all, we can talk about Waterloo or we can...

LAZO: All right.

BUCKLEY: ...talk about Gettysburg...

LAZO: May I -- may I just say...

BUCKLEY: ...and dissect the military and the state.

LAZO: Yes. All right. But...

BUCKLEY: But go on and tell me what all this has to do -- let's simply accept that the military handling of the Bay of Pigs was catastrophic; everybody knows that. Now, what does this...

HUNT: Military?

BUCKLEY: ...have to do with Barker?

HUNT: Political handling.

BUCKLEY: Military and political, right. Yes. They often go hand in hand. Now, what does it have to do with -- with Barker, since we've been licensed to discuss...

LAZO: Yes. I'll tell you what it has...

BUCKLEY: ...his relationship to Watergate?

LAZO: Here's what it has to do with Barker. But let's -- let's come now to November of last year, at the time of the election. Now we know about the Bay of Pigs and we know how Barker felt about that. We also have to know something about conditions in Cuba last November. You don't know much about that, because the attention of the Americans was -- is focussed on Southeast Asia. Cuba's not in the news. But Castro is now facing the greatest crisis that he's ever faced. And everything's going against him. His regime is coming to an end.

To understand this you must remember that when he came to power the Cubans were among the better-fed people of the world. That's not Lazo speaking; that's the Department of Agriculture in Washington. And today everything is rationed -- butter, bread, sugar, tobacco, everything is rationed except "Hate America" propaganda, "Hate Nixon" propaganda; that's the only thing that's not rationed. Every hour of the day the controlled radio pours out hatred for the United States.

Now, Castro knows -- I must mention the sugar crop. Two or three years ago he promised the Cubans a ten million dollar -- a ten million ton crop. Actually, the crop last year was four million, which is what Cuba made fifty years ago, and four million in spite of the fact that he used the entire country to -- to harvest it. We used to harvest...

BUCKLEY: He confessed his failure. As a matter of fact, he offered to resign. From time to time, he does. You remember, a summer of so ago? I mean he confessed his own failure. So go ahead. We know about the failure of Castroism...

LAZO: Yes.

BUCKLEY: But go ahead now and relate that, please, to American policy.

LAZO: Yes. Well, the point is that this year he'll probably make about three and a half million tons. And that's their money crop. That's the way they get their money to import things.

So Castro knows that his only hope is to be recognized by the United States.

BUCKLEY: Why?

LAZO: And...

BUCKLEY: Because we would give foreign aid, you mean?

LAZO: No. Because the United States would then supply all the spare parts, the equipment and everything else that the Soviet bloc has been unable to supply.

BUCKLEY: Why has the Soviet bloc been unable to supply it? Can't they get it from us?

LAZO: For one reason, it's too far away. They get their petroleum from the Black Sea.

BUCKLEY: Why is that too far?

LAZO: Hmm?

BUCKLEY: Why is that too far? You just go on a couple days extra on a steamer.

LAZO: You mean why is the Black Sea too far?

BUCKLEY: Yes.

LAZO: Well, it's pretty far compared to Venezuela.

BUCKLEY: I mean if the Soviet Union desires to supply Cuba, it can.

LAZO: Well, it's not doing it very well.

BUCKLEY: Well, then it decided it doesn't want to. It's a political point, right?

[Confusion of voices.]

LAZO: The Soviets don't do anything very well. And they're not doing this very well.

BUCKLEY: They manage their propaganda pretty effectively.

LAZO: Except the propaganda. They do that very well.

However, here is Castro in November, 1972, knowing that he's through, that he has to die. And his one chance of surviving is to get recognition and help from the United States. He can't get that from the Republicans. His one chance was to get it from the Democrats, from McGovern, Ted Kennedy, Fulbright, all these fellows that are in favor of doing business with Castro.

BUCKLEY: Why couldn't he count on Nixon? After all, who would have thought that the Red Chinese could count on Nixon?

LAZO: Why couldn't he count on Nixon?

BUCKLEY: Sure. If Nixon turned around and recognized Cuba tomorrow, it would hardly begin to occupy as much acreage of the front page as what he did to China last year, which made him a hero.

LAZO: Mr. Buckley, let me say that I may disagree with you on one thing. I consider Nixon to be a genuine anti-communist. And the fact that he has travelled to Moscow and Peking has simply nothing to do with Cuba.

BUCKLEY: Why shouldn't he travel to Havana?

LAZO: Hmm?

BUCKLEY: Why shouldn't he travel to Havana?

LAZO: This is a different thing entirely.

BUCKLEY: Why?

LAZO: Because these are -- because the other countries are great countries. Russia has your population. The Soviets have a quarter [sic]...

BUCKLEY: Our population.

LAZO: Well, the size -- two hundred million...

BUCKLEY: Now that you're an American citizen.

LAZO: And the Chinese have a quarter of the population of the world.

BUCKLEY: In other words, he's afraid of Russia, and, therefore, he has to be courteous and gallant towards it...

LAZO: That's true...

BUCKLEY: But Cuba's a small country, so we can bully it.

LAZO: ...and that's right. Cuba's a small enough dictator, who is a tiny little country of eight million people, the size of the state of Pennsylvania. There's no reason to think of treating Castro the way you would the rulers of Russia and China. I don't go along with that.

BUCKLEY: Excuse me.

LAZO: It's all right.

BUCKLEY: So you can enter into this, Mr. Hunt, since we're not talking about Watergate. Is it your point that because Cuba -- and how would this sound inside the inner councils of CIA -- that because Cuba is vulnerable to American pressure in a sense that the Soviet Union is not, therefore it makes sense to take a hard line with Cuba even while we're taking a soft line towards the Soviet Union?

HUNT: Yes, that makes sense to me. Castro Cuba, of course, is a client state of the Soviet Union. And I think it's a matter of record among people who study Latin American affairs that Castro has been a somewhat less than satisfactory client of the Soviet Union...

BUCKLEY: Insufficient servility?

HUNT: Insufficient servility. Following the Cuban missile crisis there were a great many problems. He felt himself in a sense abandoned by the loss of his Russian military advisers. The Soviet Union itself, of course, is undergoing a time of tremendous economic stress. The mere fact that they signed a wheat and corn deal with the United States would indicate that they are having trouble not only fulfilling their internal needs, but this means less for their client states, such as the Arab world, Egypt in particular -- the United Arab Republic -- and Cuba. Cuba is very small potatoes as far as the Kremlin is concerned...

LAZO: Of course it is.

HUNT: The death of Che Guevara in effect put an end to the type of guerrilla activity that Castro had been promising and promulgating throughout the hemisphere.

BUCKLEY: But now wait a minute. Isn't this different from what both of you have been really maintaining over the years? You wrote a book called "Dagger at the Heart"...

LAZO: That's right.

BUCKLEY: Well, how can a country be small potatoes that is a dagger aimed at our heart? If, in fact, the ambition of the Soviet Union is to rule the world, as both of us think it to be, how can you say that they consider Cuba to be small potatoes?

LAZO: I'll tell you how, because Cuba is an unsinkable aircraft carrier positioned ninety miles from your shores...

BUCKLEY: Well, they're not small potatoes then.

LAZO: Not in that respect. Small potatoes as far as getting rid of the sawed off dictator, of course. He doesn't mean that. Cuba is a dagger pointed at the heart. It's...

BUCKLEY: Well, then, why wouldn't the Soviet Union be prepared to make maximum sacrifices, as indeed it has done? I've seen the estimate of a million dollars per day. Is that unreasonable?

HUNT: Not unreasonable, no.

BUCKLEY: Okay. A million dollars a day is not something that you afford as a subsidy for a small potato client state.

LAZO: Well, there...

BUCKLEY: If it were situated in mid Africa, or something like that, they probably wouldn't pay a million dollars; they wouldn't be worth it. But situated where they are now, it is an important lesion in the Caribbean basin, isn't it?

HUNT: It's quiescent. It's quiescent at the time. On the other hand, we have no reason to believe that there are not Soviet military emplacements in Cuba in a state of readiness. We don't know. There have been no American or international observers who have ever gone there.

BUCKLEY: Why doesn't the CIA know?

HUNT: I would say because of post Bay of Pigs restrictions on the degree, the parameters of intelligence activity directed at the island republic.

BUCKLEY: In other words, an American citizen is not entitled to rest confident that the CIA knows whether there are, or there are not, massive Soviet offensive weapons buried in Cuba?

HUNT: No, he's not.

LAZO: What was your answer to that?

HUNT: No, he is not.

BUCKLEY: Now, is that -- are you making a technical aspersion on CIA?

HUNT: No, I am simply saying that as in any government agency, funds are allocated for certain areas of activity. Obviously Vietnam, Laos, Cambodia, the entire southeast Asian picture has monopolized most of the American military and intelligence budget for a number of years.

BUCKLEY: All the people who could predict things were in South Vietnam last year?

HUNT: And the men and the resources available for focusing on Latin American problems accordingly were reduced. CIA hasn't been hiring very much in recent years. It's been cut back. They have had to absorb within their own ranks budget deficiencies. Whenever a new line of activity, support activity, develops in another part of the world -- and again I go back to Southeast Asia -- the funds have to come from somewhere. They come, generally speaking, from Latin American activities. Certainly U-2 overflights of the island republic have been cut back. They were, in any case, after the Bay of Pigs turned over to the Air Force. The U-2, which CIA developed and utilized so successfully for so many years, was taken out of the agency's hands and put in the hands of the Air Force.

There has been a tendency I think within the entire government to do nothing, or if anything is done at all it is to provide the appearance rather than the substantive action. And accordingly, I answer your initial question in that sense, Bill.

BUCKLEY: So that it isn't that it couldn't be done...

HUNT: Right.

BUCKLEY: It's that we haven't given it that kind of priority.

HUNT: We may not, to my knowledge. And, after all, I retired two years ago, two and a half years ago, from CIA.

At that time, I myself was not confident that there were not missiles or other offensive weapons in Cuba, placed there by the Soviet Union.

BUCKLEY: Well, is it -- when Senator Kennedy says, "Look, let's, for God sakes, go ahead and recognize Cuba, having first engineered the consent of the Organization of American States, on the grounds that not to do so, given our current attitude towards China and the Soviet Union, is anomalous." I understand you to be saying, don't give in to Kennedy's advice because Cuba is having very, very serious difficulties, and if we continue to let natural pressures work against Cuba, it might result in the overthrowing of a despotic government.

LAZO: Not only "might result," it would certainly result, without any question.

BUCKLEY: By when? By when?

LAZO: By when?

BUCKLEY: Uh-huh.

LAZO: Well, that's a guess, of course, but very soon, in my opinion. I think he's very close to the end. The people are ready to take to the streets. All they need is some kind of a little sign from the United States that we'd like to see them do it, some voice on the Voice of America, or something of that kind.

But Mr. Buckley, let me -- let me go back just a second to Watergate. May I do that?

BUCKLEY: Sure.

LAZO: And mention my friend, Barker?

BUCKLEY: Sure.

LAZO: I've told you about the Bay of Pigs...

BUCKLEY: You have, yes.

LAZO: ...and I told you how humiliated Barker felt about that, having worked at it and having been blamed for it, being part of the organization. I've told you about conditions in Cuba. Then we come to the election. And there were reports before the election. We got many reports that money was coming from Cuba into the McGovern campaign fund....

BUCKLEY: You had reports from whom?

LAZO: From where?

BUCKLEY: From whom? Yes.

LAZO: From Cuba. Communist money.

BUCKLEY: From what people in Cuba? You mean from friends of yours or what?

LAZO: Well, I have many sources...

BUCKLEY: Of information.

LAZO: Many sources. We didn't have proof, of course. We just had these reports. If we had proof, it wouldn't have had to be investigated. You know that.

So there were these reports. And this group conducted, in my opinion, a patriotic, honorable counter-intelligence operation. I asked a friend of mine in Norfolk where I live the other day if he knew what counter-intelligence meant. And he said, "No, what is it?" This guy is a Harvard graduate.

BUCKLEY: No wonder, huh?

[Laughter.]

LAZO: Well, I said it's a very risky operation, very secret, and it's designed to uncover men, women and activities working against the United States. And, of course, every country in the world does it.

BUCKLEY: Well, if that's true, then the Watergate people were direct instruments of the government -- if what you say is true. I mean, you don't conduct counter-intelligence operations, sui sponde, do you?

LAZO: Sui what?

BUCKLEY: Sui sponde, of your own decisions.

LAZO: These were very highly trained men. And this question of finding if communist money is coming to the United States is a very difficult thing. They wash the money about six times. You know what that means, don't you?

BUCKLEY: Laundered, yes.

LAZO: They put it through accounts in foreign countries, and so forth. You've got to have very good men to check on that.

They had that report. And that's one thing...

BUCKLEY: If this is embarrassing, you ought to stop it. According to the...

HUNT: It's not embarrassing to me, because it doesn't affect me one way or another. I pleaded guilty to six counts.

LAZO: Now, another reason they had for going in there -- there'd been, as everybody knows, security leaks, classified information. Incidentally, I'm not saying for a second that McGovern was in on this, or O'Brien. Of course not. Nobody thinks that they are -- they consider themselves to be patriots, and I think everybody can agree with that. I'm not saying that.

BUCKLEY: You're saying somebody was in on it. Look, you received reports saying that communist money is going into the Democratic organization...

LAZO: Which had a nine million dollar deficit and which needed the money. Yes.

BUCKLEY: Yes. Right. Right. Now, what, you -- now you're saying, however, O'Brien and McGovern didn't know about it. But all of a sudden you are crediting those sources. You're saying, I accept the fact that there was communist money in the Democrat operation, but I'm exonerating the top guys of any knowledge of it.

LAZO: Yes, I am exonerating the top guys.

BUCKLEY: But what makes you accept that allegation?

LAZO: Well, because I think they're above that sort of thing.

BUCKLEY: No, no, no, no, no, no. What makes you accept the allegation that, in fact, there was communist money in the Democratic operation?

LAZO: Because, as I say, Castro's regime is growing to an end. And he knows that the only way he can survive...

BUCKLEY: No, no, no, no. That makes...

LAZO: ...is to have McGovern as President of the United States.

BUCKLEY: ...That makes it plausible. But it does not validate any...

LAZO: It makes it logical.

BUCKLEY: Yes.

LAZO: Well, a lawyer deals in logic.

BUCKLEY: Yes, but it's also logical that Nixon shouldn't have gone to China, but he did.

[Laughter.]

Well, anyway, go ahead. This is a hypothesis of yours.

LAZO: A hypothesis? No, it's a conviction from everything I know. And I have, as I say, many sources of information.

So counter-intelligence. Secondly, trying to find out about the security leaks. And then, of course, as you know, there were rumors that there were going to be riots at the Republican convention. They would have liked to have known about that, too.

So there're very good reasons for this. And politics is a dirty business. You know that. The Americans all know that. McGovern in his campaign accused -- he compared Nixon to Hitler on three occasions publicly, the Nixon government to the Hitler henchmen. And that's the communist line. In Cuba today whenever Nixon's name is printed in the government papers, the way they print it is N-I -- the swastika -- O-N. That's the communist line. McGovern was doing that. And this kind of thing is not a parlor game. It's not tiddly-winks. It's...

BUCKLEY: No, but here's what I'm trying to say, Mr. Lazo. Assuming that we accept your hypothesis, then aren't we required to accept that the people who crashed Watergate were doing so at the direction of a responsible official of the United States government?

LAZO: Not necessarily.

BUCKLEY: Why not?

LAZO: Because they could have been doing it with anti-Castro Cuban money. That's possible.

BUCKLEY: But counter-intelligence operations are usually done in behalf of a government, aren't they?

LAZO: I don't know, and you don't know where the money was coming from.

BUCKLEY: You mean it could have been -- according to this hypothesis, it could have been a completely spontaneous thing?

HUNT: That's right.

LAZO: What I'm trying to say is that this was an honorable...

BUCKLEY: In the same sense that he spontaneously acted as a spy for CIA in Cuba?

HUNT: That's right. And certainly before the Bay of Pigs, a couple of years before, even the pro-Castro partisans conducted their own counter-intelligence operations against Castro -- against Batista. So you don't need necessarily to link...

BUCKLEY: I thought they were working for the New York Times.

HUNT: ...the phrase counter-intelligence with employment by a government, per se, ipso facto.

BUCKLEY: It could be just spontaneously organized.

HUNT: By people who know what they're doing. Yes.

LAZO: May I say one more thing...

BUCKLEY: Yes.

LAZO: ...because I think our time is ending.

BUCKLEY: Yes.

LAZO: I consider that this group are men of honor; they're patriots. I think that instead of being prosecuted they should be decorated.

BUCKLEY: Now wait a minute. You can't decorate somebody for breaking the law, can you?

LAZO: Yes, you can.

BUCKLEY: Well, give me a recent example.

LAZO: Well, I'll give you this example, that when we get our country back, get Cuba back, I can assure you that the first government of a free Cuba will decorate this group. I consider that I'm...

BUCKLEY: No, I can understand that. I can understand that.

LAZO: Yes.

BUCKLEY: Just as, say, de Gaulle undoubtedly decorated a lot of Frenchmen who shot people, other Frenchmen, who were collaborating with the Nazis. I can understand that. But I don't understand your taking the position that the American Justice Department is acting perversely in prosecuting people who plead guilty to breaking American laws.

LAZO: There are some things which rise beyond -- above that: love of country. Let me put it this way. I feel that I'm in the presence of a great man sitting here, one of the great men of our time. You know, when we left Cuba, my wife and I, we left with two dollars. To lose everything that you've made your entire life, at the end of a long life, is very bad. To lose a friend, the way Barker lost his friend, the way this gentleman recently lost his wife, is much worse. But when you lose honor, you lose everything. And he hasn't lost -- and these men have not lost their honor, as far as we believe. And I can assure you that the six hundred and fifty thousand Cubans in this country have the highest regard for them. Don't you be concerned. We're going to help you in every way we can. And you still have your honor. That's the important thing.

BUCKLEY: Well, but it's only important I think for you, Mr. Lazo, to acknowledge that, paradoxical though it may sound, the pursuit of honor can require temporal punishment.

LAZO: Yes, it can.

BUCKLEY: But you must disparage necessarily the people who mete out that punishment, because, in fact, the two do not contradict each other, philosophically, and certainly not historically.

In any case, the time is up. Thank you very much, Mr. Lazo. Thank you, Mr. Hunt.

HUNT: Thank you.

BUCKLEY: Ladies and gentlemen.

NEW YORK TIMES
19 January 1973

KLEINDIENST VOWS AID ON WATERGATE

By WARREN WEAVER Jr.

Special to The New York Times

WASHINGTON, Jan. 18—Attorney General Richard G. Kleindienst promised today that the Justice Department and the Federal Bureau of Investigation would cooperate with the Senate investigation of political eavesdropping at the Democratic National Committee's Watergate headquarters.

Mr. Kleindienst said the "only reason" for holding back any records of the Government's Watergate inquiry would be the possibility of prejudicing a pending court case or the fact that the material was unreliable and possibly damaging to innocent persons.

The Attorney General told reporters at a breakfast meeting that the investigation to be headed by Senator Sam J. Ervin Jr., Democrat of North Carolina, was "probably a good thing."

"The judicial system is not the best place to explore all the ramifications" of political espionage and the participants who did not necessarily violate any Federal law, Mr. Kleindienst said.

The Nixon Cabinet officer acknowledged freely that he exchanged information and comments about the Watergate case regularly with the White House, but he denied that the President or any of Mr. Nixon's aides had attempted to interfere with the Justice Department investigation.

"A Little Bit of Concern" "We don't live in little prophylactic sacks," he said. "I talk to the people in the White House, and they talk to me. On a matter like this, there was a little bit of concern . . . a certain apprehension legitimately surfaced."

During a broad-ranging discussion, Mr. Kleindienst also did the following:

He reported he had recommended that L. Patrick Gray 3d, acting director of the Federal Bureau of Investigation, be given a permanent appointment and that he did not know why the President had been delaying action on filling the post for more than two months since the election.

He conceded he had opposed some of the recent changes in second-echelon Justice Department staff, including the replacement of Solicitor General Erwin N. Griswold, made at the "suggestion" of the White House, but that he now supported all the new men and women.

He said he intended to remain as Attorney General until "the President calls me up and says: 'Clean up, you can serve your country better in Winslow, Ariz.'" There have been persistent rumors that he would leave office this spring or summer.

He attributed most efforts at political espionage, which he

THE WASHINGTON POST Friday, Jan. 19, 1973

Office of Education Scored On Contract Involving Hunt

By Eric Wentworth
Washington Post Staff Writer

Rep. Edith Green (D-Ore.) said yesterday that the U.S. Office of Education bought itself a "political headache" last June by renewing public relations contract involving Watergate figure E. Howard Hunt Jr.

In a House floor speech, Mrs. Green said an Office of Education contract review board approved the renewal at its June 21 meeting despite knowing of Hunt's being implicated in the Watergate case, and despite lack of competitive bidding and the absence of contract documents.

The contract with Robert R. Mullen and Co., dating back to 1969 reportedly before Hunt joined that public relations firm, carries a cumulative price tag of nearly \$750,000. The Mullen firm's major mission has been to stimulate public interest in educating handicapped children.

Office of Education officials recalled that Hunt served, in effect, as account executive for the government contract. He was instrumental early last year in securing Julie Nixon Eisenhower's appearance in a television spot on behalf of the educating-the-handicapped

campaign, at a time when he was also serving as a part-time White House consultant.

Mrs. Green, a longtime critic of mismanagement and waste in the office's spending of grant and contract funds, said the agency "has again asked for its political headache and deserves no sympathy because of the irresponsible manner in which it continues to spend taxpayers' dollars in questionable ways while school districts are desperate for funds to continue basic programs."

Mrs. Green said Hunt's name had been linked with the Watergate bugging case the day before the Sole Source Board—the Office of Education panel created to screen proposed contracts that had not been subject to competitive bids—approved continuing the Mullen contract.

Indeed, she said, she had been informed that Hunt's name and the Watergate case had been discussed at the board's meeting. "It was suggested at the meeting," she continued, "that approval of this sole source contract could prove to be an embarrassment to the administration. Nevertheless, the continuing contract was funded."

Mrs. Green added that a government audit on an earlier phase of the contract with Mullen had challenged certain costs totaling \$34,472—including excessive costs for producing a film strip.

Minutes of the board meeting that day, the Oregon lawmaker said, indicated the panel approved continuing the Mullen contract despite the absence of a contract proposal and related paperwork. Office of Education files showed Mullen had submitted a proposal and budget earlier—but confirmed this material was not at the board's meeting.

Edwin W. Martin, associate commissioner of the Office of Education in charge of its handicapped-education bureau, said that he and others had been generally pleased with the quality of the Mullen firm's work.

Martin denied Mrs. Green's further assertion that a factor in continuing the contract presumably was Hunt's and Mullen's White House influence "vis-a-vis funds for OEE handicapped budget."

WASHINGTON POST
20 JANUARY 1973

Key Witness Can't Trace Wiretap Log

By Lawrence Moyer
Washington Post Staff Writer

A key government witness in the Watergate bugging trial, Alfred C. Baldwin III, testified yesterday that he could not remember the name he put on an envelope containing logs of illegal wiretaps and that he had no "personal knowledge" of who received the logs.

Baldwin's testimony, his first public comment under oath on the subject, appeared to conflict with earlier reports that he could remember the names of three White House or Nixon campaign aides to whom memos describing the wiretapped conversations were addressed.

In court yesterday, Baldwin described how his boss, security coordinator for the Committee for the Re-election of the President, James W. McCord Jr., had instructed him

to deliver the logs to the re-election committee headquarters. Baldwin was questioned by Assistant U.S. Attorney Seymour Glanzer.

McCord, along with G. Gordon Liddy, also a former re-election committee official, is on trial on charges of conspiracy, burglary and illegal wiretapping and eavesdropping stemming from the June 17 break-in at the Democratic National Committee's Watergate headquarters. Five other men, including former White House aide E. Howard Hunt Jr., have pleaded guilty to the charges.

The trial ended its second week yesterday in U.S. District Court before Chief Judge John J. Sirica.

Ordinarily, Baldwin testified, McCord came to pick up the logs at least once a day in Baldwin's room in the Howard Johnson Motor Lodge where he monitored the telephone conversations in the Democratic headquarters across the street.

"On one occasion, I delivered the logs that covered a two-day period to the Committee for the Re-election of the President," Baldwin said, explaining that McCord "instructed me to take the logs to the committee . . . in view of the fact that he was being delayed in Miami."

The questions and answers went like this:

"what period of time we're talking about?"

Baldwin: "Approximately June 6 or 7. It was a Wednesday of that week."

Glanzer: "Can you tell us what Mr. McCord's instructions were to you and how it came about he gave you the instructions?"

Baldwin: "The instructions were to take the logs, place them inside a manila envelope, then staple the envelope and over the staple put Scotch tape. He (McCord) then furnished me a name. I wrote the name down on a piece of paper, later transcribed that name to the envelope."

Glanzer: "As you sit there now, do you recall the name of that person or the name given you to put on there, if there is such a person?"

Baldwin: "I do not."

Glanzer: "Do you know of your own personal knowledge who the logs were delivered to ultimately?"

Baldwin: "No, I do not."

Glanzer: "Where did you deliver the logs in the envelope?"

Baldwin: "I delivered them to a guard at the Committee for the Re-election of the President."

Baldwin's testimony continued to follow a published account of an interview he gave to the Los Angeles Times which appeared in The Washington Post on Oct. 6. In that interview, Baldwin also said he could not remember to whom he had addressed the logs.

Baldwin is reported to have told others, The Washington Post has learned, that he could remember the names of three White House or Nixon aides who received memos describing the telephone conversations: White House congressional liaison William E. Timmons, and campaign aides Robert Odle and Glenn Sedam.

Sources close to the Watergate investigation have said that Baldwin named Odle and Timmons from memory and picked out Sedam's name from a list when interviewed by the FBI. All three have denied receiving the memos. Odle's name is on the prosecution's witness list. No mention has been made of the other two men at the trial.

Prosecutor Glanzer asked Baldwin if he had "personal knowledge" of who received the logs. The phrasing of the question and legal requirements barred Baldwin from answering in the affirmative if any knowledge he had was second-hand.

Baldwin, a 36-year-old former FBI agent who has been given immunity from prosecution for his testimony, described his activities in a flat, matter-of-fact tone, without any sign of emotion or hesitation when asked a question by Glanzer.

McCord, Baldwin said, wanted him to monitor "any conversations involving politi-

cal strategy and of a personal nature. He (McCord) wanted all conversations recorded."

At one point during Baldwin's testimony, Judge Sirica interrupted the proceedings, sent the jury out of the courtroom and announced that the U.S. Court of Appeals had barred the prosecution from allowing any testimony concerning the contents of the conversations that Baldwin overheard.

Sirica read a brief order from Chief Circuit Judge David L. Bazelon and Circuit Judge J. Skelly Wright. Circuit Judge George M. MacKinnon dissented, saying he would permit the government to "refer to the contents in general terms."

Glanzer said the prosecution will decide by Monday whether it will appeal the decision.

Sirica yesterday released his written opinion in the matter, which was overturned by the appellate court. The opinion argues that the government should not be limited to the "minimum (proof) necessary to avoid a judgment of acquittal" but rather should be al-

lowed to corroborate Baldwin's assertions that he monitored conversations by permitting him to describe what he heard.

In his testimony yesterday, Baldwin also said that about the end of May — May 27 to 29 — McCord went into the Democratic Party's Watergate offices one evening. "Mr. McCord appeared in Mr. Oliver's office," Baldwin recalled, describing what he said he could see from his hotel room. "He pulled the blinds shut."

In the early morning hours of June 17, when Washington police caught McCord and the four men from Miami who have pleaded guilty to breaking into the Democratic headquarters, Baldwin described how he radioed a warning over a walkie-talkie. McCord had given him:

"Are you reading this? Are you reading this?" Baldwin recalled a voice saying over the walkie-talkie after he issued the warning. Then Baldwin said the voice told him to stay in his hotel room. "I'm coming up."

Moments later, Baldwin

said, he saw Hunt, who has been described by the Miami men as their leader, emerge from the Watergate complex and walk hurriedly toward a car. Baldwin said he also saw Liddy come out, but said he "couldn't be absolutely positive" on his identification of Liddy. "I didn't see them together," Baldwin said.

After the two men got into a car and drove away, Baldwin said, a voice came over the walkie-talkie and said, "We're on our way." Then Baldwin said he heard another voice whisper, "They've got us."

Baldwin said he then heard McCord say over the walkie-talkie, "Are you metropolitan police?" and another voice say, "What is that?"

Hunt appeared in Baldwin's hotel room soon after, Baldwin said, made some phone calls and then told Baldwin to pack the electronic equipment and take it to McCord's house.

Glanzer asked Baldwin if he said anything else to Hunt. "I asked him," Baldwin answered, "whether or not that meant that I was out of a job at this point."

Tuesday, Jan. 23, 1973 THE WASHINGTON POST

Witness Can't Recall Who Got Tapped Logs

By Lawrence Meyer
Washington Post Staff Writer

Saying that "all the facts have not been developed by either side," Chief U.S. District Judge John J. Sirica intervened in the questioning of a key government witness in the Watergate bugging trial yesterday to ask him the name of a person to whom he addressed logs of illegally tapped telephone conversations.

The witness, Alfred C. Baldwin III, repeated that he could not recall the name. During subsequent testimony Baldwin said the person had a first name like a last name and a "German-sounding last name." At one point, Baldwin testified, he picked out a name from an FBI list similar to the name of a Nixon campaign aide. But that name "wasn't picked as being the person," Baldwin said.

Sirica repeatedly has said that he intends to find out who else—if anyone—was involved in the Watergate incident. He prefaced his questioning of Baldwin by asserting that it was "perfectly proper" and that he was not "accusing anybody of any wrongdoing" by asking the questions.

The questioning occurred as the Watergate trial entered its third week here. Two former officials of the Committee for

the Re-election of the President, James W. McCord Jr. and G. Gordon Liddy, are on trial on charges of conspiracy, burglary and illegal wiretapping and eavesdropping in connection with the June 17 break-in at the Democratic National Committee's Watergate headquarters. Five other men, consultant E. Howard Hunt Jr., already have pleaded guilty to the charges.

Baldwin testified Friday that ordinarily he turned over to McCord the logs of telephone conversations he monitored in the Democratic Party headquarters from a hotel across the street. On one occasion, Baldwin testified, McCord instructed him to put some logs in an envelope, put a name on the front and deliver it to a guard at the re-election committee headquarters.

Asked Friday if he could recall the name, Baldwin said he could not. Asked if he knew, of his own personal knowledge, who got the logs, Baldwin said he did not.

Baldwin returned to the witness stand yesterday for cross-examination. Under questioning by McCord's lawyer, Gerald Alch, Baldwin testified that he was monitoring the telephone conversations under the impression that what he was doing was legal. Baldwin, a former FBI agent who has

been given immunity from prosecution to testify, said he had this impression because of several factors, including correspondence McCord had shown him with the Federal Communications Commission and that McCord worked for the re-election committee.

"And wasn't another one of the factors," Alch asked, "your knowledge that your surveillance was in some way connected with security?"

"Connected with security and to the people it was going to, that is correct," Baldwin replied.

Alch has conceded that McCord was involved in bugging the Democratic headquarters but asserts that the bugging was legal because it was intended to find out about possible violence aimed at the re-election committee.

After Alch completed his cross-examination, Sirica excused the jury and began asking Baldwin questions.

Summarizing Baldwin's earlier testimony about how he sealed the logs in an envelope, addressed the envelope and delivered it to the re-election committee headquarters, Sirica asked Baldwin, "What is the name of the party (to whom the envelope was addressed)?"

"I do not know, your honor," Baldwin replied.

"When did you have a lawyer?"

of memory as to the name of that party?" Sirica asked.

"The first interview with the FBI, I believe, we sent over several names at that time and we went over several names thereafter and the only thing I can recall is when the name was given me—the first name—I assumed it was the last name," Baldwin said.

"What was the first name given you?" Sirica asked.

"I used the reference Glenn, because a friend of mine, his last name is Father Glenn," Baldwin said, "and I used that as a reference and we tried to establish the name of the individual."

Sirica did not pursue the point but later, under cross-examination by Liddy's lawyer, Peter Maroullis, Baldwin expanded his explanation, saying he "wrote the first name down as being the last name. Then I was given the second name that I could not spell and, as I recall, it was a German name."

WASHINGTON STAR
19 January 1973

CARL T. ROWAN

Badly Bungled, but More Than Just a Caper

Five of the Watergate defendants now have pleaded guilty to conspiracy, burglary, and illegal wiretapping and eavesdropping.

That in itself is hardly the surprise of the year, considering that the last four to admit guilt were caught with their trousers at half mast.

Even though the five who have admitted their guilt could get prison terms of up to 55 years, even though they have admitted to one of the most sordid and serious assaults on our system of free elections in this nation's history, there is something disquieting about their confessions.

It is difficult to escape the feeling that these confessions flow out of a new conspiracy to ensure that no trial ever occurs where the American people will learn the whole truth about who ordered the burglaries, the espionage, that incredible corruption of our election processes.

The suspicious swallow, like maggots on an August day, that the confessors are sacrificing themselves, honorable to their understanding that "if you are caught, the secretary will disavow you," so that the public will never know just how far into government the rotteness reaches.

man-sounding name."

Baldwin also said in talking to the FBI he "used an analogy" when he suggested the name was Glenn. Glenn, Baldwin said, "was not the name; it was just given as an analogy."

Maroullis asked Baldwin if he remembered telling two Los Angeles Times reporters during an interview that in one session with the FBI, agents had read names to him and he had picked out the name "Sedan."

"It wasn't picked as being the person," Baldwin replied. "It was one of the names, picked that we pulled out from a group of names to think about."

"Mr. Baldwin," Maroullis asked, "did you know at the time that you made that statement to The Los Angeles Times that there was a man named Glenn Sedam who worked for the Committee to Re-elect the President?"

"I had read it in the newspaper; prior to that I did not," Baldwin said. Maroullis then turned his questions to another subject.

In other testimony yesterday, M. Douglas Caddy, a Washington lawyer, testified that on the morning of the break-in Hunt called him on the phone and visited him in his apartment to arrange to retain a criminal lawyer. Caddy also testified that he spoke with Liddy in the early morning hours of June 17, shortly after police had arrested McCord and four other men inside the Democratic Headquarters, and Liddy retained Caddy to "represent him in this case."

Caddy said Hunt had called him between 3:05 and 3:15 a.m., approximately the same time that Baldwin said Hunt made a phone call from Baldwin's hotel room after Baldwin testified he saw Hunt and Liddy walking hurriedly

from the Watergate Hotel.

Caddy's testimony about Liddy retaining him as his lawyer was given over Maroullis' objection that Liddy had a constitutional right to a lawyer and the prosecution was making his exercise of that right appear to be incriminating.

Sirica interrupted Caddy's testimony to read an instruction to the jury—prepared by the prosecution—that it was to draw no adverse inference from the fact that Liddy retained a lawyer but that it could consider the time and other circumstances surrounding Liddy's action.

Caddy said later that he and another lawyer, Joseph Rafferty, went to find out about the five men who were arrested inside the Watergate. Caddy said none of the five had contacted him between the time of their arrest and his visit to the D.C. Superior Court and the second police district.

Maybe the tragic death of his wife in a plane crash did motivate the guilty plea of E. Howard Hunt Jr., the former Central Intelligence Agency operative who was working as a White House consultant and apparently masterminded the political spying.

Maybe grief did convince Hunt that he could not undergo a lengthy trial.

But how do we understand those guilty pleas of "the Miami four"—Bernard L. Barker, Frank Sturgis, Eugenio R. Martinez and Virgilio R. Gonzalez?

Is it just that they were caught red-handed in Democratic party headquarters at about 2:30 a.m. on June 17 and that they have admitted guilt on a certain assumption that any jury would find them guilty? Well, why did their lawyer, Henry Rothblatt, refuse to represent them in the guilty plea? What's with all this cryptic talk by Rothblatt about his ex-clients "following orders" in a military fashion?

Then there is the spectacle of Judge John J. Sirica accepting the guilty pleas and then trying futilely to get "the Miami four" to tell him the whole nasty truth even when the four were not under oath.

Barker had wound up with \$114,000 in his bank account, but for the life of him he just couldn't tell the judge a thing about who gave it to him.

"I don't believe you," the judge said to Barker, thus putting himself alongside millions of Americans who long ago were convinced that the money came from Nixon campaign funds.

The judge apparently had read the newspapers and knew about all the rumors that higher-up culprits in this bit of political criminality gave "the Miami four" enough money and promises to induce those confessions.

Sirica wondered about allegations that someone was still paying the four. No, no, no, they replied.

The judge then asked them point-blank whether anyone suggested they might get "executive clemency . . . or commutation of sentence," or to put it less delicately, whether President Nixon would spring them from prison if they kept their mouths shut and took their medicine like loyal but lousy spies.

They produced more harmony than a barbershop quartet as they chorused, "No, your honor."

It is still too early to regard this courtroom drama as the

great cover-up. Still to face trial are James W. McCord Jr., who was security coordinator of the Committee for the Re-election of the President at the time of the Watergate raid, and G. Gordon Liddy, a former official in the White House and on the re-election committee. We shall see whether they ever testify under oath, and how zealously the prosecution probes them for the full truth.

Then, Judge Sirica has a tough reputation of handing out rough sentences. Not only will his sentences be watched closely, but the media and a lot of other Americans will keep a long eye peering toward the day when the White House starts fumbling with the key to the prison.

On the surface, the Watergate business is such a ludicrously bungled caper that it seems a shame to pay so much attention to the bunglers. But the hard reality remains that it was more than just a "caper"; it was an atrocious example of men in political power seeking to entrench themselves through lawlessness and obnoxious police-state tactics. That is why none of us can afford to view lightly either the incident or the remarkable court proceedings now under way.

THE WASHINGTON POST Wednesday, Jan. 24, 1973

Liddy Indicated He Reported to 'Others,' Witness Says

By Lawrence Meyer
Washington Post Staff Writer

Testimony in the Watergate bugging trial yesterday indicated that G. Gordon Liddy, described by prosecutors as the "boss" of the bugging of Democratic headquarters, had, in fact, been reporting to other persons.

Answering questions from Chief Judge John J. Sirica, former Nixon campaign treasurer Hugh W. Sloan Jr. recalled a brief conversation with Liddy on the morning of June 17, only a few hours after police had arrested five men inside the Watergate.

Sloan quoted Liddy, who was then finance counsel for the Committee for the Re-Election of the President, as saying to him in a hall at committee headquarters:

"My boys were caught last night. I made a mistake by using someone from here, which I told them I would never do. I'm afraid I'll lose my job."

Sirica did not ask Sloan if he knew who Liddy meant by "them." Sloan, a prosecution witness, was dismissed after defense lawyers said they had no questions to ask him.

Earlier, Sloan testified that Finance chairman Maurice Stans and campaign director John N. Mitchell approved disbursements of about \$199,000 to Liddy. Sloan also acknowledged for the first time that he resigned from the committee last July because of the Watergate Incident.

In addition to Sloan, the three other Nixon re-election committee officials who were listed as prosecution witnesses testified yesterday about matters relating to Liddy and committee security director James W. McCord Jr.

News accounts since the bugging have alleged that the three knew of the financing of a wider espionage operation against the Democrats. But that operation is not mentioned in the Watergate indictment, and none of the three was asked any questions about it.

In other testimony yesterday:

• Sloan and Herbert L. Porter, scheduling director for the re-election committee, both testified that they had destroyed records that showed disbursements they had made to Liddy.

• Former deputy campaign director Jeb Stuart Magruder said he knew nothing of the illegal bugging activities but he did give Liddy political intelligence gathering assignments. Magruder gave only one example of such an assignment and was not asked to give more.

• Magruder testified that he hired Liddy for a legal job with the re-election committee on the recommendation of White House counsel John

Dean III, the man President Nixon later assigned to investigate the bugging.

• Porter said \$100,000 was allocated for Liddy to gather information on possible violence during the campaign by having persons infiltrate the Yippies, SDS and other "radical" groups.

• Principal Assistant U.S. Attorney Earl J. Silbert attacked a column by Jack Anderson for "outrageous speculation" and "virtually scandalous reporting" because the column suggested that initials found on a piece of evidence might be those of re-election committee officials. In fact, Silbert said, the initials were those of three FBI agents who had marked the evidence.

• Robert C. Odle Jr., administrative director of the re-election committee, testified that McCord had given him 17 memoranda concerning McCord's activities as security director. Odle said "nothing we ever received would indicate" that McCord had set up a listening post in the Howard Johnson's Motor Lodge to monitor phone conversations from the Democratic Party's Watergate office across the street.

Liddy and McCord are on trial on charges of conspiracy, burglary and illegal wiretapping and eavesdropping stemming from the June 17 break-in at the Democratic Party headquarters. Five other persons, including former White House aide E. Howard Hunt Jr., already have pleaded guilty to the charges.

Sloan, testifying in answer to questions by Silbert, said he turned over a total of about \$199,000 to Liddy from the time Liddy joined the re-election committee until June 1972. Sloan said that before the April 7 effective date of a new federal campaign finance reporting law, he made a final summary financial statement and turned it over to Stans. Sloan said he "destroyed the cash book" containing actual records of disbursements.

Sloan first gave his account of his hallway conversation with Liddy under questioning from Silbert, and said he did not know what Liddy was talking about. He repeated it when Sirica sent the jury out and questioned Sloan himself. The judge then asked Sloan how Liddy was to use the money Sloan had given him earlier.

"I was merely authorized to distribute the money Sloan answered. "I have no idea what the purpose was."

"You didn't question Mr.

Magruder about the purpose of the \$199,000?" Sirica asked.

"No, sir. I verified with Mr. Stans and Mr. Mitchell. He (Magruder) was authorized to make those," Sloan replied. When Sirica again asked who he verified it with, Sloan replied, "with (former Commerce) Secretary Stans and I didn't directly but he verified it with Mr. John Mitchell."

"Didn't anybody indicate what this money was to be used for?" Sirica asked.

"No, sir," Sloan replied.

Sloan is known to have told friends that he resigned because—in the words of one—"he saw what was going on" at the Committee for the Re-Election of the President after the bugging. Investigators have said that Sloan cooperated fully in their inquiry and that they were convinced he did not know that the money he handed out would be spent for undercover activities against the Democrats.

Magruder, who left the re-election committee the day after the election to direct preparations for the President's inaugural, testified that Liddy was hired in December, 1971, to do political, legal and intelligence work. In late December, Magruder said, he and Porter discussed potential problems of violence they might have aimed at the "surrogate candidates" who would be campaigning for President Nixon.

Since the stand-in candidates would not have Secret Service protection, Magruder said, "We felt we had to establish our own lines of communication. Magruder said he met with Liddy and Porter for five minutes and Liddy then began gathering intelligence.

In January, 1972, Magruder said, he gave Liddy an additional assignment to find out what kind of demonstrations were planned for the Republican convention, which was then scheduled to be held in San Diego. For the two projects, Magruder said, Liddy was authorized to spend \$250,000.

Magruder said he had emphasized to Liddy that "acts of our committee would be handled in a legal and ethical manner."

Asked what information Liddy had provided about the convention from the \$150,000 intelligence operation, Magruder said Liddy found out that instead of the expected 100,000 demonstrators, the Republicans could expect 250,000. For this reason, in part, the con-

vention site was changed to Miami, Magruder said.

Magruder said he never gave Liddy any intelligence assignment regarding the Democratic National Committee or Sen. George McGovern.

On brief cross-examination by McCord's lawyer, Magruder said McCord "was one of our more outstanding employees." Liddy's lawyer, Peter Maroulis, did not question Magruder.

Porter testified that he obtained about \$35,000 from Sloan to give to Liddy. It was not explained yesterday why Liddy got some money directly from Sloan but had to deal through Porter for other money. In all, according to testimony yesterday, Liddy got about \$232,000. No accounting was given as to how that money was used by Liddy. Silbert has said the government can account for only about \$50,000 of the total.

Porter said he "threw away" the records he had of the disbursements he made to Liddy. Porter said he got three pieces of information for the money he gave Liddy, concerning a "left-wing extremist group in New Hampshire," a "right-wing extremist group in Miami" and a "heavy potential problem in San Diego."

Neither Liddy's lawyer nor McCord's cross-examined Porter.

Odle was the first of the re-election committee officials to testify. Odle said one of McCord's jobs, as security director or the committee was "to be concerned with threats of violence against the buildings in which the committee was housed." McCord made reports on possible violence to him, Odle said.

Seventeen memos from McCord to Odle, including the May 30 one, were introduced in evidence yesterday by McCord's attorney. It is not known whether the 17 memos were the only ones that McCord sent to Odle. Most of the memos simply summarized news reports of demonstrations, bombings and other incidents of violence.

One refers to the Pentagon bombing of May, 1972. It says that the bomb was apparently "packed into a wall cavity behind a small steel door" in the Pentagon washroom stalls. "Such doors in committee restrooms have been sealed," McCord said in the memo.

Another memo dated Dec. 13, 1971, calls for the control of access to the offices of the Committee for the Re-election

NEWSWEEK

29 JAN 1973

Now, It's the Watergate Two

of the President. One of the memos to Odle, dated May 30—five days after the wiretap and dealing with Vietnam Veterans Against the War—began with the phrase "A confidential source" of known reliability has advised The phrase is almost identical to one that Alfred C. Baldwin III testified was used by McCord in identifying the source of wiretapped conversations. Investigators, however, say they are convinced the information did not come from overhearing wiretapped conversations.

In his testimony Monday, Baldwin said he could not remember the name of the person to whom he once addressed a package containing memos of wiretapped conversations, and that he did not know from his "own personal knowledge" who received other memos containing information from the wiretaps.

Earlier, The Washington Post reported that Baldwin had told the FBI he saw memos of wiretapped conversations addressed on at least one occasion to William Timmons, special assistant to President Nixon for congressional relations, and to Odle.

Following Baldwin's testimony on Monday, investigators said that the FBI's report of Baldwin's original statements was unclear and had, in fact, referred to memos to Timmons and Odle which were not based on information obtained through wiretapping. When they examined the memos sent to Timmons and Odle, the investigators said, they could find no evidence that the contents were related to the wiretap at Democratic headquarters.

Prior to yesterday's testimony, Sirica held a hearing to determine if four defendants who have pleaded guilty should have their bond reduced. The four—Bernard L. Barker, Frank Sturgis, Virgilio Gonzales and Eugenio R. Martinez—all are being held in the D.C. jail in lieu of \$100,000 surety bonds for each. Hunt has posted the bond.

At the conclusion of the hearing, Sirica denied the reduction, stating that "the temptation to flee following their plea of guilty is presumed to be much greater" than it was before their plea. "They have had a taste of life in jail," Sirica said, "and I am sure they did not find life enjoyable or agreeable there."

First they were the Watergate Seven, then the Watergate Six—and last week they became the Watergate Two.

Four more defendants decided to plead guilty in the explosive political espionage case—as former White House aide E. Howard Hunt had done the week before—intensifying the drumfire of speculation over the inducements they may have been offered. There were reports that each man had been offered up to \$1,000 for every month spent in prison after switching his plea. Some stories traced the funds to "friends" in Miami's Cuban community, where the four had strong ties; others suggested that the defendants were still getting money from the same source that had financed the Watergate operation from the start—presumably the secret coffers of the Committee for the Re-Election of the President. But NEWSWEEK learned that a new fund, to provide financial support for the defendants, was set up after their arrest by some well-heeled Republicans who hoped to limit further embarrassment to the party by short-circuiting the trial.

The defendants weren't saying. The latest to bow out—Bernard L. Barker, Eugenio Martinez, Frank A. Sturgis and Virgilio P. Gonzalez—first fired their lawyer, Henry Rothblatt, who had insisted on a trial, and then confessed almost eagerly to the charges of conspiracy, burglary and wiretapping (maximum sentence: up to 55 years in jail and \$50,000 in fines). Under questioning by Federal Judge John J. Sirica, with the jury out of earshot, they claimed only that Hunt and Barker had convinced them that the Watergate caper was somehow related to the fight against Communism and Castroism. This, ostensibly, was enough to appeal to the anti-Castro sentiments of the defendants; two of them, Martinez and Sturgis, had been involved along with Hunt and Barker in the CIA-directed Bay of Pigs operation. But who had financed the escapade? Barker maintained that expense money was mailed to him in unmarked envelopes, and he therefore didn't know the source. "Well, I'm sorry," said the frustrated judge, "I don't believe you."

The four also denied receiving any outside support after their arrests, or promises of help in return for pleading guilty—but NEWSWEEK learned otherwise. Several reliable Washington sources said that the defendants were receiving at least part of their current funds from Republican moneymen eager to minimize the COP's embarrassment. "As I understand it," one insider told NEWSWEEK's Nicholas Horrock, "the kitty did not reflect approval of their acts, but simply a desire to do what they could to relieve the party of the embarrassment of a long and messy trial."

Pensions: Beyond that, Horrock learned that five of the seven defendants also receive money from the CIA, although for past services unconnected with Watergate. Hunt and James McCord, who was security coordinator for the CRP and a security consultant for the COP National Committee when he was arrested inside Democratic headquarters, both receive pensions as retired CIA employees; Barker, Sturgis

and Martinez reportedly still get stipends for their roles in the Bay of Pigs fiasco.

FBI agents working on the Watergate investigation feared they might uncover even closer CIA connections, NEWSWEEK learned. Tracing the route of Republican campaign donations to the Watergate crew, FBI agents initially worried that they had stumbled into a CIA transfer system; specifically, they were concerned that a Mexican middleman who had handled COP funds might also have been a CIA contact. But the CIA assured the G-men that they had not struck any current agency operations—the suggestion being that Hunt and McCord might have reactivated a network they remembered from their government cloak-and-dagger days.

Duress: In court, attorneys for the two remaining defendants—McCord and G. Gordon Liddy, a former FBI man and White House staffer—called for a mistrial. The jury, they argued, could not remain unprejudiced after the unexplained disappearance of so many defendants. But Judge Sirica turned them down and then attorney Gerald Alch disclosed that he planned to defend McCord with the principle of "duress"—a chaney strategy based on McCord's supposed fear that pro-McGovern leftists were planning violence against top Republicans "including but not limited to the President." Said Alch: "If one is under a reasonable apprehension—regardless of whether that apprehension is in fact correct—he is justified in breaking a law to avoid the greater harm."

Legal experts scoffed, noting that duress is usually accepted as defense only in extreme emergencies. Even if there were a plot, attorneys said, McCord could easily have turned the matter over to the authorities. Alch's defense was "aimed strictly at the emotions of the jurors," said one former Justice Department attorney. "If he can get to one of them who's deathly afraid of rioting leftists, he might get a hung jury."

The jury was permitted to hear barely half of the proceedings. Jurors did hear a young plain-clothes man describe the arrests inside Watergate ("Keep cool—you got us," said Sturgis, hands in the air). But they trooped out of court again as lawyers bickered over the testimony of former FBI man Alfred C. Baldwin, who admitted listening in on some 200 Democratic telephone conversations. The government wanted Baldwin to describe the contents of the calls in order to support a possible blackmail motive. But some of the wiretapped Democrats objected that their privacy was being invaded, and the U.S. Court of Appeals finally ruled out the testimony. When the trial resumed, Baldwin testified that he once took his logs on two days of tapped phone calls to CRP headquarters and left them with a guard—for delivery to a CRP official whose name Baldwin swore he cannot remember.

By the weekend, the chances that the trial would produce complete explanations were shrinking fast—and some Senate Democrats moved closer to a full-scale inquiry of their own. They got some perhaps unexpected support from the Nixon Administration itself, when Attorney General Richard

WASHINGTON POST
27 JANUARY 1973

Watergate Mistrial Denied

By Lawrence Meyer

Washington Post Staff Writer

Chief U.S. District Judge John J. Sirica, despite objections from both prosecution and defense attorneys in the Watergate bugging trial, read to the jury yesterday portions of testimony he had previously heard with the jury not present.

Sirica explained before reading the testimony—given by the former treasurer of the Nixon re-election committee, Hugh W. Sloan Jr., that he was doing it to help the jury decide whether Sloan was telling the truth.

Sloan's questioning by Sirica on Wednesday represented the second time the judge had intervened in the examination of a witness. Sirica has asserted his right to question witnesses when he says he believes "all the facts have not been developed by either side."

Before and after he read Sloan's testimony to the jury, Sirica clashed with Peter Maroulli, attorney for defendant G. Gordon Liddy. Maroulli asked Sirica to declare a mistrial on the grounds that the judge's reading of Sloan's testimony would give it undue weight in jurors' minds.

Sirica denied the motion, tacitly conceding that he was giving the defense grounds to argue for reversal on appeal if Liddy is convicted. "I exercise my judgment as a federal judge and as the chief judge of this court," Sirica said. "As long as I'm a federal judge I'll continue to do it. I could care less what happens to this case on appeal. I'll continue to do what I think is right at the moment."

"Your client is smiling," Sirica said, referring to Liddy. "He's probably not impressed by what I'm doing either. I don't care what he thinks either."

Earl J. Silbert, principal assistant U.S. attorney and chief prosecutor in the trial, told Sirica he would rather recall Sloan and let the jury hear it "from the lips of Mr. Sloan directly."

"No," Sirica replied, "Mr. Sloan might have a lapse of memory."

Sirica then called the jury in and read to it the testimony he elicited from Sloan Wednesday while the jury was not present. Sloan had testified about approximately \$199,000 in re-election committee campaign funds he had turned over to Liddy.

Liddy is standing trial along with James W. McCord Jr., another former official of the Committee for the Re-election of the President. Both are charged with conspiracy, but

glary and illegal wiretapping and eavesdropping stemming from the June 17 break-in at the Democratic National Committee's Watergate Headquarters. Former White House consultant E. Howard Hunt Jr. and four other men pleaded guilty in the trial that ended its third week yesterday.

Sloan's testimony Wednesday while the jury was out differed from his testimony before the jury in several key respects:

- Sloan gave a different account of what Liddy had said to him only hours after metropolitan police had arrested five men, including McCord, inside the Watergate.

- Sirica pressed Sloan to explain how \$199,000 could have been given to Liddy without any apparent accounting to Sloan as to how the money was being used.

- Sloan told Sirica he had quit the re-election committee because of the Watergate incident.

Silbert told Sirica yesterday before the jury was brought in that "there was nothing in Mr. Sloan's testimony that was a surprise to us or that we did not know." But Sirica's examination of Sloan went beyond the point where Silbert indicated Wednesday that he himself wanted to end his questioning of Sloan.

Maroulli did not cross-examine Sloan, explaining yesterday that he decided against doing so to avoid reinforcing Sloan's testimony in the jurors' minds.

In the jury's presence on Wednesday, Sloan said he had seen and briefly spoken to Liddy the morning of June 17 in the committee's offices. "I ran into him in the hall just outside of his office," Sloan recalled. "He was obviously in a hurry. . . . He said to the best of my recollection, 'My boys got caught last night. I made a mistake. I used somebody from here, which I said I'd never do. I'm afraid I am going to lose my job.'"

When Sirica questioned Sloan, he gave this account: "To the best of my recollection," Sloan said, "what he (Liddy) indicated was: 'My boys were caught last night. I made a mistake by using somebody from here which I told them I would never do. I'm afraid I'm going to lose my job.'"

Sloan was not asked whether he knew who Liddy meant by "them." Sloan is known to have given this same account of the conversation with Liddy during earlier interviews with federal investigators.

Sirica also drew from Sloan testimony that he had verified with finance chairman Maurice Stans and campaign chairman John N. Mitchell that deputy

Kleindienst promised to make all FBI records in the case available to them. "A jury trial," Kleindienst conceded, "is not the best place to explore the ramifications of this kind of thing for the political system."

WASHINGTON POST
27 JANUARY 1973

Finance Committee Fined \$8,000

By Timothy Robinson
Washington Post Staff Writer

The Finance Committee to Re-Elect the President pleaded no contest yesterday in U.S. District Court to eight violations of the elections financing law and was fined \$8,000.

It was the first time that a campaign committee had been found guilty since nonfiling of financial reports first became an offense under the Corrupt Practices Act of 1925.

By entering a plea yesterday, the finance committee avoided having to account for how it spent the unreported money or to respond to any evidence presented by the Justice Department.

"I've never seen the difference between a nolo contendere (no contest) plea and a guilty plea," said U.S. District Judge George L. Hart Jr., in fining the committee the maximum of \$1,000 on each count. No individuals were charged in the complaint, so a possible one-year jail term was not applicable.

The charges were the first to be brought under the Federal Elections Campaign Act, which took effect April 7, 1972, and cited cash financial payments through the committee's treasurer, Hugh W. Sloan Jr., to its legal adviser, G. Gordon Liddy.

Liddy is a defendant in the Watergate trial. Testimony has indicated that he received more than \$232,000 from the committee for various assignments.

The complaint charged specifically that Sloan gave \$12,000 to Liddy on two different occasions in May and June, 1972, without obtaining receipts or keeping required records on the purposes for which the money was spent.

Also listed in the complaint is \$5,300 given to Liddy after May 10 by Herbert L. Porter, scheduling director of the committee. Porter has testified in the Watergate trial that he gave Liddy a total of \$35,000.

campaign director Jeb Stuart Magruder had authority to disburse to Liddy committee funds that eventually totaled \$199,000.

Sloan had testified before the jury that he had turned over \$199,000 to Liddy. "What was the purpose of turning \$199,000 over to Liddy?" Sirica asked out of the jury's presence.

"I have no idea," Sloan replied.

Sirica: You have no idea?

Sloan: No, sir.

Sirica: You can't give us any information at all?

Sloan: No, sir. I was merely authorized to do so. I was not told the purpose.

Sirica: Who authorized you to turn the \$199,000 over to Mr. Liddy in cash?

Sloan: Jeb Magruder.

Sirica: For what purpose?

Sloan: I have no idea.

Sloan said he did not question Magruder about the purpose of the expenditures. "I verified with Mr. Stans and

Mr. Mitchell that he (Magruder) was authorized to make those," Sloan said. "You verified it with who?" Sirica asked.

"Secretary (former Secretary of Commerce) Stans, the finance chairman, and I didn't directly but he verified it with John Mitchell, the campaign chairman," Sloan said.

Sirica: This \$199,000 could be turned over to Mr. Liddy is what you are saying?

Sloan: Not the specific amount, but Mr. Magruder, his authorization was authorization enough to turn over the sums in question.

Sirica: Did anybody indicate to you by their action or by words or deed what this money was to be used for?

Sloan: No, sir.

Sirica also asked Sloan a question that had not been asked by Silbert in questioning Sloan, Magruder or committee scheduling director Herbert L. Porter, who testified he gave Sloan about

\$35,000.

Sirica: You don't know what Mr. Liddy used it (the money) for?

Sloan: No, sir.

Sirica: No idea?

Sloan: No, sir.

Sirica: He was never questioned by you or anybody else what he did with the \$199,000?

Sloan: No, sir.

Silbert told the jury in his opening statement that of the approximately \$235,000 given to Liddy by the re-election committee, the prosecution can account for only \$50,000. Before Sirica read Sloan's testimony to the jury, Silbert told the judge that the "intensive" investigation that led to the Watergate indictment found that "Sloan had no possible remote connection, direct or indirect," with the Watergate incident.

Assistant U.S. Attorney Seymour Glanzer pointed out to Sirica that Sloan had been interviewed by the FBI and had testified before the grand

jury. Inviting Sirica to read the grand jury minutes, Glanzer said, "Every conceivable aspect of this case was gone into."

"I'm only concerned with the testimony in the courtroom," Sirica replied. "I don't think it's up to me to be concerned with what goes on in the grand jury. I'm not interested in that."

Included in what Sirica read to the jury was a conference held by prosecution and defense lawyers at the bench. Liddy's lawyer, Maroulis, in arguing for a mistrial, said Sirica's revelation of what was said during the bench conference made him wary of discussing points at the bench "for fear they will later be read to the jury."

Sirica again denied Maroulis' motion for a mistrial. Quoting another federal judge, Sirica said, "Any federal judge who makes a decision with one eye on what the Court of Appeals might do ought to get off the bench."

WASHINGTON POST
28 JANUARY 1973

Sen. Ervin May Quiz Top Nixon Aides

By Bob Woodward and Carl Bernstein

Washington Post Staff Writers

Sen. Sam J. Ervin (D-N.C.) intends to subpoena some of President Nixon's top aides in the forthcoming Senate investigation into the Watergate bugging and an allegedly broader campaign of political espionage and sabotage against the Democrats, according to informed sources on Capitol Hill.

Ervin also intends to investigate the government's inquiry into the Watergate incident and related matters to determine if it was complete and impartial, the sources said.

It is known that this includes a detailed review of the manner in which the government's case has been prosecuted. Sources said that daily transcripts of the Watergate trial are being scrutinized by Ervin staff members.

Ervin, who will head the Senate's investigation, is expected to be granted subpoena power to call anyone in the executive branch of the government other than the President himself, the sources reported.

It could not be learned which presidential aides might be called to testify. However, it is known that Ervin believes that any White House officials and presidential advisers who have been named in news accounts of alleged spying and disruption against the Democrats should be given a chance to have their names cleared.

If such aides do not testify voluntarily, the sources said, Ervin feels it is essential to force their testimony. Members of Ervin's staff are drafting a resolution that, if passed by the Senate, would grant him the broadest subpoena powers.

Ervin is virtually assured of receiving Senate approval of the resolution, the sources said, because the powerful Senate Democratic Policy Committee, the 14-member arm of the 57-member

Senate Democratic majority, has promised its full backing.

Senate Majority Leader Mike Mansfield (D-Mont.) has said that the Watergate probe and accompanying public hearings may result in the first actual test of congressional power to force testimony from the President's closest assistants, should they claim executive privilege.

Presidential advisers from many administrations and both political parties have asserted at times that they have an executive privilege to not disclose to Congress confidential White House business. It is this tradition that the Senate Democratic majority has indicated it wants to challenge.

On Jan. 16, Mansfield sent eight letters asking various government agencies to preserve all records that might be relevant to the Ervin investigation. The letters went to the White House, the Justice Department, the FBI, the General Accounting Office, the Republican National Committee, the Committee for the Re-election of the President, the President's campaign finance committee and Assistant U.S. Attorney Earl J. Silbert, the chief prosecutor in the Watergate trial.

The letters said that the Senate probe would deal with "the allegations of illegal or improper activities during the recently completed national elections" and would include four areas of inquiry: "The break-in at the Democratic National Committee headquarters in the Watergate"; "the reports of political sabotage and espionage"; "the receipt and account of campaign funds"; and "the practices and procedures of the various agencies

and officials in their investigation of such activities."

One source close to Ervin said that the last area of inquiry meant that "we are going to investigate the investigators" to determine if there was any political influence brought to bear on the conduct of the investigation by the FBI and Justice Department.

Attorney General Richard Kleindienst has said the Watergate investigation by the Justice Department and FBI was the most thorough and exhaustive since the probe into the assassination of President Kennedy in 1963.

Sources close to Ervin said the 76-year-old senator, a relatively nonpartisan former state supreme court judge wants the Watergate incident investigated by a special ad hoc committee of the Senate instead of by one of the regular Senate committees.

Ervin is chairman of the Government Operations Committee and the Judiciary Subcommittee on Constitutional Rights and is known as the Senate's outstanding authority on constitutional law.

The right of privacy is one of his strongest convictions.

Last year, Ervin denounced the delay of the Watergate trial until after the November elections.

Ervin has said that his Watergate probe will not begin until completion of the bugging trial in U.S. District Court here, which ended its third week yesterday. He said he is looking for an attorney of nonpartisan background to head the investigative staff but has not yet chosen one.

Ervin said that he has not

fixed a date for public hearings, but that they would be held some time this year.

The staff of the Senate Subcommittee on Administrative Practice and Procedure, chaired by Sen. Edward M. Kennedy (D-Mass.), has been investigating the Watergate incident and related matters since Oct. 12. Kennedy has expressed reluctance to head the full-scale Senate investigation and recently agreed with Mansfield that an inquiry

headed by Ervin would be less vulnerable to attack on political grounds. The information developed by Kennedy's staff, which has been subpoenaing records for three months, will be made available to Ervin, Senate sources said.

Much of the information obtained by Kennedy's staff, according to reliable sources, deals with the question of White House involvement in the wider political espionage/sabotage operation as reported in news accounts.

NEW YORK TIMES
29 January 1973

Prosecution Tested In Watergate Trial

By WALTER RUGABER

Special to The New York Times

WASHINGTON, Jan. 28—Demands for the appointment of a special prosecutor in the Watergate case began a week after five men were caught in Democratic headquarters on June 17.

Some of the demands were overtly political; others appeared nonpartisan. But always there was the question of how vigorously the Department of Justice would pursue a case in which several Presidential aides were involved and in which others—perhaps of higher rank—might be implicated.

That question has come up again, implicitly but forcefully, as the trial of two remaining defendants charged with conspiracy, burglary and eavesdropping moves toward a climax in the United States District Court here.

Doubts Intensified.

Whatever doubts may remain in the public mind seem to have been intensified particularly by the actions of Judge John J. Sirica, who has presided over the three weeks of the trial.

Judge Sirica has said on a number of occasions—most recently on Friday—that he does not mean to "imply anything" or to rebuke either the Government or the defense for its handling of the case.

But he has also shown dissatisfaction with the questions asked by the prosecution and, to a lesser extent, the defense, and he has examined witnesses himself. His tone with them has often been incredulous.

The lawyers are most interested in a precisely drawn, eight-count indictment, which seven men were accused of committing specific violations of the law during a limited period of time.

There Are Limits!

"This isn't the Warren Commission," said an attorney who is familiar with the Watergate case but not directly involved in it. "When you get to the trial, there are limits to where you can go."

The scope was to a large extent settled, the attorney and other sources said, by the Federal Bureau of Investigation

and the United States Attorney during the grand jury inquiry that produced the current indictments on Sept. 15.

The difficulty in assessing the secret grand jury decision on how far the conspiracy went and who should be indicted was demonstrated vividly on Friday when Judge Sirica raised as an issue the credibility of a major Government witness, Hugh W. Sloan Jr.

Mr. Sloan had resigned as treasurer of the Finance Committee to Re-elect the President after handing G. Gordon Liddy, former committee official who is now a defendant, \$199,000 in campaign funds.

Judge Sirica questioned Mr. Sloan with the jury not present and appeared skeptical about some of the answers, which included a statement that he had "no idea" what had been done with the \$199,000.

The Government asserted that Mr. Sloan had had nothing to do with the Watergate affair, and Seymour Glanzer, one of the prosecutors, invited the judge to examine the F.B.I. reports and the grand jury transcripts.

But Judge Sirica said he would concern himself only with "the testimony in this courtroom." The testimony he has been hearing deals almost exclusively with the narrow indictment and not with the wider questions in the case, such as whether the break-in at the Watergate office building was part of a wider espionage effort and whether anyone beyond those indicted knew about or profited from the spying.

Magruder Questioned

Jeb Stuart Magruder, who served as deputy director of the Committee for the Re-election of the President, was questioned by the Government about various intelligence assignments he had given to Mr. Liddy.

The "major" assignments, Mr. Magruder said, involved learning the plans of potentially troublesome demonstrators both at campaign appearances around the country and at the Republican National Convention.

Mr. Magruder, under examination by Earl J. Silbert, the

principal assistant United States Attorney, said that some \$250,000 had been budgeted for Mr. Liddy's work. The testimony included the following exchange:

Q. Did you give him any other investigative assignments?

A. Yes, as I recall, I gave him a number of others.

Q. Can you give an example?

A. An example would be there was a candidate for the Democratic nomination who was known for his antipollution stand, and there were also news reports about some of his supporters, financial supporters particularly, one in particular being a major polluter, and I asked Mr. Liddy as an example to see if there was any more to it than we read in the newspapers.

Q. Mr. Margruder, on these assignments that you gave Mr. Liddy, did he ever make reports to you?

A. Yes.

Q. What was the form?

A. Primarily verbal reports. Mr. Silbert then broke off this line of questioning. There was no testimony about the candidate's identity (presumably the reference was to Senator Edmund S. Muskie), or about exactly what Mr. Magruder had wanted and received, or about what he had done with the information.

Ties Not Developed

When Mr. Sloan came under direct examination by Mr. Silbert, the cash transactions between the Nixon committee and Mr. Liddy undeveloped, for example:

Q. What was the procedure you followed in giving Mr. Liddy this amount of cash (\$199,000)?

A. He would indicate to me he needed X number of dollars and come to my office to request it, and I would provide it to him.

The prosecutor then turned to the question of how the money had been packaged. (Later, however, there was this exchange:

Q. Did you maintain any records of disbursements that

you gave to Mr. Liddy? A. Yes, I did.

Q. What kind of record did you maintain? A. It was a cash book reflecting in and out transactions.

Q. Now did you ever make a final summary of your cash disbursements? A. Yes, I did.

Q. And to whom did you deliver it? A. [Former] Secretary [of Commerce Maurice H.] Stans.

Q. Did you retain any copies?

A. No, sir.

Q. What did you do with the cash book after you had delivered the final summary? A. Since the summary before essentially contained the necessary information that was reflected in this book, I destroyed the back-up book.

Mr. Stans, who served as Mr. Nixon's chief fund-raiser during the campaign, has not been subpoenaed as a witness at the trial. It is understood that he was permitted to give grand jury testimony in the form of a written statement.

Judge Sirica, who was appointed to the bench by President Dwight D. Eisenhower, extracted from Mr. Sloan the information that the payments to Mr. Liddy had been approved by Mr. Stans and through Mr. Stans by John N. Mitchell, the former Attorney General who for a time was Mr. Nixon's campaign manager.

A Case of Needling

The judge's examination included the following:

Q. Did anybody indicate to you by their action or by words or deed what this money was to be used for? A. No, sir.

Q. You are a college graduate, aren't you?

The Government did not need its own witnesses this way, and sometimes the tactical reasons for its failure to pursue a potentially useful point seemed to be apparent.

For example, Alfred C. Baldwin 3d, key witness who said he had monitored a wiretap on a Democratic telephone, testified that he had delivered eavesdropping information on one occasion to the re-election committee.

U. S. NEWS & WORLD REPORT

29 JAN 1973

Washington Whispers.

Too Many Cooks in the CIA?

Now expected is a thorough shake-up of the Central Intelligence Agency. Intelligence sources say the President particularly wants to sharpen the handling of the CIA's analyses of foreign affairs and international economics. One complaint is that under existing procedure some of the agency's excellent reports are muddled by the time all the experts get their views in.

TIME
29 JAN 1973
TRIALS

The Spy in the Cold

"Well, I'm sorry but I don't believe you," said Federal Judge John J. Sirica. He was addressing four of the Watergate defendants, and what he did not believe was their claim that they could not remember who had supplied them with money. Even sums as high as \$114,000, they said, simply turned up in brown manila envelopes from none knew where. Despite the judge's sharp questioning, the four insisted last week on pleading ignorance—and guilt. That reduced the number of defendants from seven to two and also reduced the likelihood that the trial would ever disclose who sanctioned the conspiracy to bug Democratic Party headquarters last June.

The four—three of whom are Cubans from Miami—were talked into pleading guilty, TIME has learned, by the same man who recruited them into the conspiracy in the first place: E. Howard Hunt, the former CIA official who had pleaded guilty himself a week earlier. Hunt promised his four confederates that unidentified "friends" would offer each defendant up to \$1,000 for every month he spent in prison, with more money to be paid at the time of his release (TIME, Jan. 22).

The guilty plea by the four defendants staved off a prospective courtroom uproar—testimony that Hunt had told them the Watergate bugging had been approved by the White House, specifically by two presidential advisers—former Attorney General John Mitchell, then head of the Committee for the Re-Election of the President, and Charles W. Colson, who at the time was on the White House staff as special counsel to the President.

Castro. Hunt's influence over the four dates back to 1961, when Hunt was a leading CIA official engaged in planning the Bay of Pigs invasion of Cuba. At that time, the four men were convinced that Hunt spoke secretly for the U.S. Government; apparently they still are. In 1972, when Hunt recruited them into the Watergate conspiracy, he grandly told them: "It's got to be done. My friend Colson wants it. Mitchell wants it." Colson is in fact an old friend of Hunt's; it was he who got Hunt onto the White House staff in 1971 as a \$100-a-day consultant. Hunt also told the four that their old enemy Fidel Castro was sending money indirectly to the Democratic Party in the hope that a McGovern victory would soften the U.S. attitude toward Cuba.

After the Watergate arrests, Hunt became more cautious, referring to Administration officials merely as "my people." He insisted that his people were prepared to put up plenty of money for the defense of the arrested men. Of the \$35,000 Hunt is known to have received from his people, however, only about \$8,000—or \$2,000 apiece—has reached the four defendants. Yet the four men do not appear to be displeased with the arrangement. To have worked with Hunt, one of them told the court, had been "the greatest honor."

I sold you and you sold me." In an interview with TIME Correspondent David Beckwith, E. Howard Hunt quoted those mocking lines from George Orwell's 1984, and then he added defensively: "There was none of that in any operation I ever ran. Nobody above or below me was ever sold out. I protect the people I deal with."

Hunt, a remarkable storyteller (who has written some 46 novels as well as an account of the Bay of Pigs fiasco called *Give Us This Day*), decided to talk because "I've been taking a real beating in the press. I've been portrayed as an irresponsible adventurer, a desperado. And bring a photographer. The pictures of me at the trial have made me look like a buffoon." For legal reasons, he refused to say much about the Watergate trial, but he reminisced freely about other adventures.

"Let me tell you a story," Hunt declared. "The last wartime operation I was involved in was an air resupply operation in central China. We had a five-man guerrilla team that hadn't been resupplied for months, so we went parachuting supplies out of a C-47 to them in a rice paddy. I went along as a cargo kicker, holding onto the chute wire and pushing the stuff out in a hurry from about 600 feet. Two of us were hit in the face by flak on the way back, and one later got caught by the Japs and skinned alive, but the point is this: A team out on an unorthodox mission expects resupply, it expects concern and attention. The team should never get the feeling they're abandoned. End of story."

Hunt makes no effort to hide his own sense of abandonment. "Nobody has invited me anywhere for six months," he says. "My family has been harassed, my kids are teased and taunted at school. Most of my old CIA friends, people I worked with for years and thought I was close to, have cut me off. I had lunch last week with my daughter at a club in Georgetown and saw a CIA officer who worked for me in Japan. He looked right through me."

Secure. Speaking of the death of his wife in a Chicago plane crash last month, Hunt insists that the mysterious \$10,000 she was carrying in \$100 bills was to have been invested "in a new business enterprise out there, a concern that might have provided me with a job after I got out of jail." Turning a bit maudlin, he remarks: "I've often wished that it had been me on the plane instead of my wife. The Watergate would have been over for me. My family would have been financially secure. And the four children would have a mother instead of a father wasting away in jail." At another point, as he spoke of trying to explain his situation to his nine-year-old son, he wept. Still later he referred to himself as "a fish at the end of a line; I'm struggling hard, but it looks like a pretty strong line."

Hunt joined the CIA in 1950 after having served in the Navy and the OSS during World War II, worked as a LIFE correspondent in the South Pacific, won a Guggenheim fellowship in creative writing and sold a movie script (*Bimini Run*) to Warner Bros. for \$35,000. He

is proud of his 20 years in the CIA, though he feels "the agency" has treated him badly of late. "When they identified me as a former CIA officer right after the Watergate arrests," he says, "they abrogated our agreement of confidentiality."

As a member of the agency's "Department of Dirty Tricks," he worked on the operation that overthrew the Communist-supported Guatemala regime of Jacobo Arbenz in 1954. After the coup, he recalls, "Arbenz and his people were stripped naked at the airport and searched before they were allowed to leave. One of his aides was Che Guevara. If we'd let our Guatemalans start to shoot them, as they wanted, there's no telling when the shooting would have stopped. It was a close decision, and I have often wondered how effective Castro would have been without the intelligence of that asthmatic little medical student from Argentina."

On his years in espionage, Hunt reflects: "You see our Government trains people like myself to do these things and do them successfully. It becomes a way of life for a person like me." Often he traveled under assumed names, says Hunt, "to preserve plausible denial," the phrase rolling from his lips so smoothly that it sounds like an agency cliché. Again and again he returns to the theme of an officer's loyalty to his subordinates: "If your people are caught in an operation, you do everything you can for them. Money is the cheapest commodity you've got in an operation like this."

Hunt retired from the agency in 1970. "The Bay of Pigs," he says bitterly, "really ended my chance for substantial advancement within the CIA, because I was associated with it and the thing went sour." In 1971 he was asked to join the White House to plug security leaks. "It wasn't a petty operation. There were major leaks involving the SALT talks, operations in India. One leak resulted in the extermination of one of our agents in Asia. The Administration couldn't stand for that, and I worked closely with the CIA trying to stop it."

Why did he get mixed up in the Watergate case? Hunt admits that he had a political motive, which he dresses up rather elaborately. "There is a built-in bias by the intellectual community, including the news media, against people who want to preserve the best of our country's heritage. As for me, I don't want to exchange the good of this country for the uncertainties of change." Hunt also has a more practical explanation for his involvement: "I was not aware that my activity constituted a federal offense. I never personally went into Democratic offices, and I thought the most they could get me on was second-degree burglary."

Hunt insists that he never thought much of the Watergate scheme in the first place. "I eased the situation thoroughly, and I'm good at it. I appraised the risk [in bugging Democratic headquarters] as very high and the potential return as very low. I recommended against it, but it wasn't my decision. I can tell you this: if it had been a CIA operation and I'd been in charge, it never would have happened."

NEW YORK TIMES
30 January 1973

Alleged G.O.P. Spy Avoids Full Inquiry

By SEYMOUR M. HERSH
Special to The New York Times

WASHINGTON, Jan. 29.—The Federal Bureau of Investigation has made no attempt to investigate fully the political espionage and sabotage activities allegedly conducted last year by Donald H. Segretti, a California lawyer, who reportedly acted under the direction of the White House and Republican re-election officials.

The disclosure came as both sides rested today in the trial of the two remaining defendants in the Watergate case.

Well-placed Administration sources have said that Justice Department officials learned of some of Mr. Segretti's activities within weeks after the Watergate arrests last June 17, but decided on the basis of preliminary interviews with Mr. Segretti that his activities were legal and therefore beyond the scope of an extensive F.B.I. inquiry.

That decision was reaffirmed last October, the source said, after newspaper accounts indicated the full scope of Mr. Segretti's activities, which were said to have involved sabotage attempts against Democratic candidates during the primary election campaigns.

It was further learned that Mr. Segretti began his operations, apparently on behalf of some White House officials, as early as September, 1971, at about the same time E. Howard Hunt, then a White House consultant, reportedly began organizing his political intelligence team.

Mr. Hunt's operation eventually led to the unsuccessful break-in at the Democratic National Committee offices in the Watergate office complex here.

Mr. Segretti is known to have met at least twice with Mr. Hunt, in Florida and in California, and he was once asked to help arrange a fake demonstration during the Democratic National Convention.

Sources said, however, that the Justice Department had made no effort to determine the full extent of Mr. Segretti's activities or to find out who placed Mr. Segretti in contact with Mr. Hunt.

White House officials have repeatedly said that they did not know either about Mr. Segretti's espionage operation or the political intelligence activities headed by Mr. Hunt and G. Gordon Liddy, former counsel to the Republican re-election committee.

However, Dwight L. Chapin, President Nixon's appointments

secretary, was reportedly asked to leave his White House job after the November election, apparently because he was named last year as the White House contact for Mr. Segretti.

Ronald L. Ziegler, the White House press secretary, subsequently confirmed that Mr. Chapin was leaving. Mr. Ziegler denied that Mr. Chapin was being forced out or that his decision had anything to do with the espionage controversy.

Before last October's newspaper reports about Mr. Segretti, three top Justice Department officials publicly declared that every possible lead was being investigated in the Watergate case.

In a news conference Oct. 5, the last one he held, President Nixon depicted the F.B.I. inquiry into the Watergate case as so thorough and complete that it made the 1948 Congressional investigation of Alger Hiss look "like a Sunday school picnic."

"Let's look at what happened," the President said. "The F.B.I. has assigned 133 agents to this investigation. It followed out 1,800 leads. It conducted 1,500 interviews. I wanted every lead carried out to the end because I wanted to be sure that no member of the White House staff and no man or woman in a position of major responsibility had anything to do with this kind of reprehensible activity."

But officials of the Justice Department and F.B.I. acknowledged in recent interviews that investigations early in the summer and in the fall of Mr. Segretti's activities were cursory at best, and the two agencies blamed each other for the lack of action.

"The cut-off came just when Segretti went underground; after the newspaper stories on him broke," one F.B.I. official said.

He added that the decision to call off the inquiry had come from the Justice Department's Criminal Division.

"That's a matter of legal judgment" with which the bureau did not officially quarrel, he said, "but I suspect that there was discontent at lower levels."

Henry E. Petersen, chief of the Criminal division, refused to discuss the Justice Department's investigation in an interview, but one well-informed official categorically denied that the F.B.I. was "called off on anything."

The bureau called up and said, "We're not doing anything on Segretti," the Justice Department official related, "and asked, 'Do you see anything in this?'"

At this point, Mr. Petersen, a Democrat who was named Assistant Attorney General last year, queried the Justice Department's Fraud Division, the official said, and also found no support for a full F.B.I. inquiry on Segretti.

"He had no affirmative recommendations from anybody on this," the Justice Department official said. "If he had, he wouldn't have called it off."

Attorney General Richard G. Kleindienst, told newsmen last Oct. 24 that no inquiry into the activities of Mr. Segretti was planned. "Because as of right now, any evidence that has come to us would not indicate the violation of a Federal law."

In a series of interviews, a number of past and present Justice Department officials argued that even without any immediate evidence of wrongdoing, the Government had an obligation to investigate fully the activities of Mr. Segretti. One Justice Department lawyer noted that the department had special procedures for cases involving organized crime figures or major political figures.

"You look at everything when you have a case like this," he said. "It should be fully explored in all its ramifications even though it may appear not to be a criminal violation."

Other sources noted that the published reports of Mr. Segretti's alleged operations described a number of ostensibly illegal activities, including the forging of campaign letters and the promise of future political rewards in return for pre-election support.

In addition, Mr. Segretti was said to have been paid with funds from a Republican fund totaling at least \$350,000 that may have been collected in violation of campaign finance disclosure laws.

Lawrence R. Young of suburban Los Angeles, one of Mr. Segretti's close friends, has told many newspapers that Mr. Segretti said that Republican officials permitted him to review his F.B.I. dossier. Shortly before testifying before a Federal grand jury about the Watergate case, Mr. Young also quoted Mr. Segretti as having said that Presidential aides coached him before his grand jury appearance.

At least 19 long-distance calls were placed from Mr. Segretti's telephone to Mr. Hunt's between mid-March and June last year, and at least one such call was placed to the home of Mr. Chapin.

Many other friends and former associates of Mr. Segretti have been traced by newsmen, usually through long-distance telephone toll reports, and have publicly told of having been approached by the young lawyer and asked to participate in a large-scale espionage and sabotage operations against the Democratic party.

Administration officials have consistently discounted such reports as hearsay and unprovable rumors.

Mr. Kleindienst challenged reporters last year to "get the evidence to me that would indicate that a specific person has violated a special criminal law and my department will investigate it."

But in a series of interviews over the last two weeks, former friends and associates of Mr. Segretti said that they had not been contacted by the

F.B.I.

"I'm amazed, just absolutely amazed that they never called me," said Mr. Young, a lawyer. "I was so sure they were coming I even had a speech prepared."

Among the things the bureau would have learned, Mr. Young said, was that Mr. Segretti had told him of a Miami meeting with Hunt in which Hunt "mentioned hiring Cuban refugees to pose as McGovern supporters and tear up the inside of the Doral Hotel," the Miami Beach hotel to be used by Mr. McGovern as his Democratic convention headquarters.

WASHINGTON POST
30 JANUARY 1973

Chapin Quits White House Denies Firing

By Lou Cannon

Washington Post Staff Writer

KEY BISCAYNE, Fla., Jan. 29.—The White House announced today that President Nixon's appointments secretary will be leaving the administration, but denied that his departure had anything to do with political espionage activities.

Presidential press secretary Ronald L. Ziegler said that Dwight L. Chapin, 32, would be quitting the White House this spring to accept a "very fine business offer." Ziegler said that neither presidential assistant H. R. Haldeman nor anyone else in the administration had requested Chapin to leave.

"Dwight Chapin was not asked to leave the administration, and any decision to leave is his own," Ziegler said.

The White House press secretary branded as "incorrect, unfounded and untrue" a story in The New York Times which said that Chapin was being forced out because he had been named in newspaper disclosures as the contact man for Donald H. Segretti, a California attorney who said he played a major role in Republican efforts to disrupt Democratic primaries and engage in espionage against Democratic presidential candidates.

On Oct. 15 The Washington Post reported that Chapin acted as a "contact" in Washington for Segretti's spying activities, according to federal sources and a sworn statement by a California lawyer who was a friend of both Chapin and Segretti.

In addition, the sources said—and numerous telephone calls confirmed—that Segretti had regular contact with former White House consultant E. Howard Hunt Jr. Hunt pleaded guilty earlier this month to all charges against him in the Watergate bugging case.

Time magazine reported—and The Washington Post con-

firmed—that Segretti was paid about \$35,000 for his spying activities by Herbert W. Kalmbach, President Nixon's personal attorney in California.

Time magazine also later reported that Chapin had acknowledged he hired Segretti. It is known that Chapin told the FBI that he never asked Segretti to do anything illegal.

Even before today's White House announcement, a high White House official in Washington, discussing reports of Chapin's departure, said that "a second grader could see what's happened. Of course it's the Watergate business. We'll never say that . . . Dwight's one of the finest."

The official said Chapin is personally looked on with great favor by President Nixon, but that Chapin "got caught in the middle."

According to the official, there has been "serious talk" about Chapin leaving for several months, and several busi-

nessmen close to the White House realized the situation and have offered positions of high pay and great responsibility to Chapin.

The official said that The New York Times report that Chapin is being "forced out" by Haldeman is "too strong." He indicated that it was more a mutual understanding to avoid possible embarrassment. According to the official, Chapin did not want to leave but accepts the "realities" and is now looking on the brighter side.

Just as Haldeman is regarded as the President's alter ego, carrying out his orders with energy and dispatch, Chapin has been regarded as Haldeman's alter ego.

A brisk, effluent and personable aide, Chapin not only has handled the President appointments schedule under Haldeman's supervision but has carried out such important assignments as the advance work for the Chinese and Rus-

sian trips.

One White House aide told a Washington Post reporter last year that Chapin is "a super loyalist" and is "super-dedicated" to the President, believing that he will "go down in history as the greatest living President."

Chapin first worked for Mr. Nixon in the unsuccessful California gubernatorial campaign of 1962, and then went to work for Haldeman at the J. Walter Thompson advertising agency.

Chapin declined to accept telephone call from newsmen today.

At the Florida press briefing today, Ziegler dismissed an inquiry about Chapin's relationship with Segretti as "a question from the past" and refused to discuss it. He did say, though, that Chapin's effectiveness at the White House had not been hampered by the publicity surrounding

the Watergate affair.

Chapin and Ziegler were college friends at the University of Southern California, and the White House press secretary said he had talked personally with Chapin many times about his plans. Ziegler said Chapin had "received a number of very fine offers from a number of very fine companies" and indicated that this was the motivation for his decision.

"He made the decision to leave because he decided this was the time to move to a business career," Ziegler said.

Ziegler spent several minutes lauding Chapin's "fine contribution to the presidency" and deplored the news account that he was forced to leave. At one point Ziegler interrupted his comments about Chapin to say:

"Some people in this room are looking at each other with a skeptical eye . . . that is very unfortunate."

WASHINGTON POST
30 JANUARY 1973

Jury Expected to Get Watergate Bugging Case Today

By Lawrence Meyer
Washington Post Staff Writer

The prosecution in the Watergate bugging trial described G. Gordon Liddy yesterday as "the boss, the money man, the supervisor" of the alleged conspiracy to bug the Democratic Party, a man "not content to follow out what he was supposed to do" as a Nixon campaign aide.

Prodded by Chief U.S. District Judge John J. Sirica, the prosecution closed its case, the defense opened and closed its case in a matter of hours and final arguments were begun yesterday—the 18th day of the trial. The case is expected to go to the jury today.

Liddy's lawyer, Peter Maroulis, told the jury in a brief opening statement that Liddy had had a "shadow of guilt" cast on him from E. Howard Hunt Jr., a former White House aide who earlier pleaded guilty to the same charges of conspiracy, burglary, and illegal wiretapping and eavesdropping for which Liddy is on trial. "I intend to show this shadow is without substance," Maroulis said.

Liddy and his codefendant, James W. McCord Jr., both of whom worked for the Committee for the Re-election of the President before the June 17 break-in at the Democratic National Committee's Watergate headquarters, are the only two remaining defendants of the seven, including Hunt, original-

ly indicted. Four other men besides Hunt, all from Miami, also have pleaded guilty.

As Maroulis was delivering his opening statement, asserting that both the prosecution and defense concede that Liddy's superiors at the committee "are on the safe side of the line of innocence," Sirica interrupted him.

"Wait a minute now," Sirica said. "Who made that concession? Mr. Silbert (the chief prosecutor)? You are arguing what you think the evidence is. This is for the jury to decide."

Maroulis had asserted that deputy campaign director Jeb Stuart Magruder, scheduling director Herbert L. Porter, administrative director Robert C. Odle Jr. and campaign treasurer Hugh W. Sloan Jr.—all re-election committee officials with whom Liddy had frequent contact—"are without involvement and of course had no criminal intent."

Sirica said that if the jurors "decide that Mr. Magruder or Mr. Odle or Mr. Sloan are involved in this alleged conspiracy, they can do it. However, they're not on trial. I will grant you that. They (the jurors) can draw their own conclusions from the evidence in the case."

Sirica has repeatedly expressed his determination throughout the trial to find out who else, "if anyone," was involved in the alleged con-

spiracy. When the five persons who pleaded guilty entered their plea, Sirica attempted to question each of them to determine whether anyone other than the seven persons indicted was involved.

As a legal matter, however, the jury can do nothing more in the case than decide the guilt or innocence of Liddy and McCord. It is not the function of a jury in a criminal trial to formally disclose any findings beyond a verdict or to recommend further action at the conclusion of a trial.

Liddy and McCord each called three witnesses to testify yesterday concerning their character and reputation in the community. Each of the six witnesses testified that the defendant about whom he or she was testifying had an excellent reputation.

In presenting its case, the prosecution called 51 witnesses. In addition to the 60 witnesses on its original list, the prosecution called three witnesses it had not announced at the trial's beginning which would appear.

Of the 12 witnesses not called by the prosecution, three are FBI agents. Two other witnesses, Robert Schreiber and Mary Denburg, did not have to be called because their testimony was agreed to by stipulation. A sixth witness, Thomas Yann, is an official of Hunt's country club. He apparently was not

needed as a witness after Hunt pleaded guilty. A seventh witness Margaret Johnson, of Glendale, Calif., also was not called because of Hunt's guilty plea, according to informed sources.

The principal witness who was not called was Jack Stewart, a former CIA agent described by the prosecution as a man Hunt attempted to recruit for electronic surveillance activities. Stewart, according to the prosecution, rejected Hunt's job offer. Stewart's testimony was ruled out by Sirica as being "too remote" to the time of the alleged conspiracy.

Two additional witnesses—Diane Konowalski and Esther Kirby—are employees or former employees of prosecution witnesses who were called. The testimony of these two witnesses was not needed, it is understood, because it would have duplicated testimony given by others.

The two remaining witnesses—Maria Marti and Sylvia Campos—both are from Florida. Their testimony is understood, would have involved purchases made by some of the four defendants who pleaded guilty.

In his closing argument, Assistant U.S. Attorney Earl J. Silbert, the main prosecutor in the trial, emphasized Liddy's alleged role as the ringleader in the conspiracy. At no time

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sequestered jury been informed that Hunt and four other defendants have pleaded guilty.

Silbert traced the testimony in the trial, recalling that 25-year-old Thomas Gregory said he was recruited by Hunt to spy first on Sen. Edmund S. Muskie's campaign for the Democratic Presidential nomination and later on the campaign of Sen. George McGovern.

At one point, Silbert recalled, Gregory testified that Hunt picked him up in a car at night. A third man, wearing dark glasses, was in the back seat.

As he spoke through gritted teeth, Silbert turned and faced Liddy, who sat back in his chair, rocking slowly, a faint smile on his face. "Who was it?" Silbert said. "The defendant Liddy, waving to you as he waved so many times throughout this trial. A big joke." As Silbert spoke, Liddy gave a brief wave with his hand, a gesture he has made several times to respond to witnesses who identified him.

Later, Silbert recalled how Gregory had testified concerning a meeting in the Manger-Hamilton Hotel at 14th and K Streets NW, attended by all seven of the men later indicted. "And there you have the classic conspiracy," Silbert said. "All the conspirators together, plotting, planning, conspiring together."

Silbert also referred to testimony that Liddy, a lawyer, and Hunt had traveled together, using the aliases of George Leonard and Ed Warren. "Since when does a lawyer . . . have to run around the country—California, Miami, in his own city—using an alias if he's engaged in honest, valid, legitimate activity," Silbert said.

After police arrested McCord and the four men from Miami inside the Watergate on June 17 at 2:30 a.m., Silbert recalled that Hunt had contacted M. Douglas Caddy and, that Caddy had testified he spoke with Liddy at 5 a.m. Caddy said Liddy retained him at that time as his own lawyer. "At 5 o'clock in the morning," Silbert said, "5 o'clock in the morning . . . Everyone has a right to retain a lawyer, but at 5 o'clock in the morning?"

Silbert reminded the jury that a few days after the break-in Hunt's employer, Robert F. Bennett, testified that Liddy called him. Liddy wanted to meet him, Bennett said, but not in his office, because he was afraid of surveillance.

Again gesturing toward Liddy, a former FBI agent and an ex-prosecutor in Dutchess County, N.Y., Silbert said, "He's playing cops and robbers, that's what he's doing. Only this time, he isn't the

Ex-Aides Of Nixon To Appeal

By Lawrence Meyer
Washington Post Staff Writer

Two former officials of President Nixon's re-election committee, G. Gordon Liddy and James W. McCord Jr., were convicted yesterday of conspiracy, burglary and bugging the Democratic Party's Watergate headquarters.

After 16 days of trial spanning 60 witnesses and more than 100 pieces of evidence, the jury found them guilty of all charges against them in just under 90 minutes.

Chief U.S. District Judge John J. Sirica ordered Liddy, who was also a former White House aide, FBI agent and prosecutor, and McCord, a veteran of the CIA and the FBI, jailed without bond. Sirica said he would hold a hearing on bail after defense lawyers file formal written motions.

Lawyers for both Liddy and McCord said they would appeal the convictions, with McCord's lawyer attacking the conduct of Judge Sirica during the trial.

Five other men who were in

cop. He's the robber."

Liddy had been authorized by Magruder to carry out intelligence activities, Silbert said, but Liddy was "not content to follow out what he was supposed to do. He had to twist it, to divert it."

McCord and Liddy "were off on an enterprise of their own," Silbert said. Liddy took \$114,000 in checks that had been turned over to Sloan as campaign contributions, converted the money to cash and then gave it back to Sloan, Silbert said. Liddy then took back \$24,000, Silbert said, part of the estimated \$232,000 he received to conduct activities for the committee. The \$24,000, Silbert said, is "the money we have traced into the possession . . . of the four persons from Miami."

Referring to McCord, also a former FBI agent and a former CIA employee, Silbert said, "Isn't it sad. Former FBI agent, isn't it sad, directing the interception of telephone conversations."

The "proof of guilt is so overwhelming," Silbert told the jury, "that the only verdict fair and consistent with the evidence and fair to both sides would be a verdict of guilty on all counts in which they are charged."

dicted with Liddy and McCord, including former White House aide and CIA agent E. Howard Hunt Jr., pleaded guilty early in the trial to all charges against them.

Liddy, 42, had maintained a calm, generally smiling exterior throughout the trial. He stood impassive, with his arms folded, as deputy court clerk LeCount Patterson read the jury's verdict, repeating six times "guilty" once for each of the counts against him.

McCord, 53, also showed no emotion as Patterson read the word "guilty" for all eight counts against him.

Liddy, former finance counsel for the Committee for the Re-election of the President, could receive a maximum sentence of 35 years. McCord, former security director for the committee, could receive a maximum sentence of 45 years. Sirica set no date for sentencing.

Before being jailed by deputy U.S. marshals Liddy embraced his lawyer, Peter L. Maroulis, patted him on the back, and in a gesture that became his trademark in the trial, gave one final wave to the spectators and press before he was led away.

Principal Assistant U.S. Attorney Earl J. Silbert said, after the verdict was returned, that it was "fair and just."

In his final statement to the jury, Silbert told the eight women and four men that "when people cannot get together for political purposes without fear that their premises will be burglarized, their conversations bugged, their phones tapped . . . you breed distrust, you breed suspicion, you lose confidence, faith and credibility."

Silbert asked the jury to "bring in a verdict that will help restore the faith in the democratic system that has been so damaged by the conduct of these two defendants and their co-conspirators."

Despite repeated attempts by Judge Sirica to find out if anyone else besides the seven defendants was involved in the conspiracy, testimony in the trial was largely confined by the prosecution to proving its case against Liddy and McCord, with occasional mention made of the five who had pleaded guilty. The jury, which was sequestered throughout the trial, was never told of the guilty pleas.

When Hunt pleaded guilty Jan. 11, Sirica questioned him in an attempt to find out if anyone besides the persons indicted was involved in the conspiracy.

Hunt's lawyer, William O. Bittman, blocked Sirica's questions, saying the prosecution had told him it intended to call Hunt and any other defendant who was convicted to testify before the grand jury.

An apparent purpose of renewed grand jury testimony would be to probe the involve-

ment of others in the bugging. Asked yesterday what steps he now intended to take, Silbert said, "I don't think I'll comment on anything further."

According to testimony in the trial, Liddy was given about \$232,000 in campaign funds purportedly to carry out a number of intelligence-gathering assignments given him by deputy campaign director Jeb Stuart Magruder.

The prosecution said it could account for only about \$50,000 of this money, and that it was used to finance the spying operation against the Democratic Party.

In his argument to the jury, Silbert called Liddy the "mastermind, the boss, the money-man" of the operation.

Maroulis, defending Liddy, attempted to put the blame on Hunt, who Maroulis said was Liddy's trusted friend. "From the evidence here, it can well be inferred that Mr. Liddy got hurt by that trust," Maroulis said.

McCord's lawyer, Gerald Alch, told the jury that McCord "is the type of man who is loyal to his country and who does what he thinks is right." At one point, Judge Sirica interrupted and told Alch he was only giving his "personal opinion."

Alch criticized Sirica during a recess, saying the judge "did not limit himself to acting as a judge—he has become in addition, a prosecutor and an investigator." Not only does he indicate that the defendants are guilty, but that a lot of other people are guilty. The whole courtroom is permeated with a prejudicial atmosphere."

Alch said that "in 18 years of practicing law" he had not been previously interrupted by a judge while giving his final argument.

McCord and Liddy were each convicted of the following counts:

- Conspiring to burglarize, wiretap and electronically eavesdrop on the Democratic Party's Watergate headquarters. (Maximum penalty—five years' imprisonment and a \$10,000 fine.)

- Burglarizing the Democratic headquarters with the intent to steal the property of another. (Maximum penalty—15 years imprisonment.)

- Burglarizing the Democratic headquarters with the intent to unlawfully wiretap and eavesdrop. (Maximum penalty—15 years.)

- Endeavoring to eavesdrop illegally. (Maximum penalty—five years' imprisonment and a \$10,000 fine.)

- Endeavoring to wiretap illegally. (Maximum penalty—five years' imprisonment and a \$10,000 fine.)

- Illegal wiretapping. (Maximum penalty—five years' imprisonment and a \$10,000 fine.)

In addition, McCord was

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1 February 1973

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convicted of two additional counts:

* Possession of a device primarily useful for the surreptitious interception of oral communications. (Maximum penalty—five years' imprisonment and a \$10,000 fine.)

* Possession of a device primarily useful for the surreptitious interception of wire communications. (Maximum penalty—five years' imprisonment and a \$10,000 fine.)

Although the total number of years Liddy could be sentenced to adds up to 50 and McCord's total possible sentence adds up to 60 years, neither, according to legal sources, can receive consecutive sentences for both burglary counts.

As a result, Liddy's maximum sentence could be 35 years and a \$40,000 fine and McCord's maximum could be 45 years and a \$60,000 fine.

In addition to Liddy, McCord and Hunt, four men from Miami were named in the indictment—Bernard L. Barker, Frank Sturgis, Virgilio R. Gonzales and Eugenio R. Martinez. All four pleaded guilty Jan. 15 to the seven counts with which they were charged.

They face maximum sentences of 40 years in jail and fines of \$50,000. The four men were arrested, with McCord, by Washington police in the Democratic Party headquarters at 2:30 a.m. on June 17. The arrests marked the beginning of the Watergate affair.

These five men, dressed in business suits and wearing rubber surgical gloves, had electronic bugging equipment and sophisticated cameras and film. In their possession, or their rooms they had \$5,300 in \$100 bills.

The story unfolded slowly. The day after the arrests, it was learned that one of the five men was the security coordinator for the President's re-election committee. That was McCord, one of the two defendants left in the Watergate trial yesterday.

Two days after the break-in, White House consultant Hunt was linked to the five suspects. Hunt pleaded guilty to all counts in the opening days of the trial.

Near the end of July, it was learned that the finance counsel to the Nixon re-election committee was fired because he refused to answer FBI questions about the Watergate bugging and break-in. The counsel was Liddy, a former Treasury and White House aide who was the other defendant to remain in the trial.

On Aug. 1, The Washington Post reported that a \$25,000 cashier's check intended as a contribution to the Nixon re-election effort had been deposited in the Miami bank account of one of the Watergate suspects. The General Ac-

counting Office, the investigative arm of Congress, ordered an immediate audit of the Nixon campaign finances.

The audit report concluded that former Commerce Secretary Maurice H. Stans, the chief Nixon fund-raiser, had a possible illegal cash fund of \$350,000 in his office safe.

The \$25,000 from the cashier's check and another \$80,000 from four Mexican checks passed through that fund, the GAO concluded.

Last Friday, the Finance Committee to Re-elect the President pleaded no contest in U.S. District Court to eight violations of the campaign finances law. The complaint charged, among other things, that finance committee officials failed to keep adequate records of payments to Liddy. The committee was fined \$8,000.

In September, reports surfaced that a former FBI agent and self-described participant in the bugging had become a government witness in the case. He was Alfred C. Baldwin III, who later was to testify that he monitored wire-tapped conversations for three weeks from a listening post in the Howard Johnson Motor Lodge across the street from the Watergate.

On Sept. 15, the federal indictment against the seven original defendants was returned.

The next day, The Post reported that the \$350,000 cash fund kept in the Stans safe was used, in part, as an intelligence-gathering fund. On Sept. 29, The Post reported that sources close to the Watergate investigation said that former Attorney General John N. Mitchell controlled disbursements from the intelligence fund, or so-called "secret fund."

On Oct. 10, The Post reported that the FBI had concluded that the Watergate bugging was just one incident in a campaign of political espionage and sabotage directed by the White House and the Nixon committee.

The story identified Donald H. Segretti, a young California lawyer, as a paid political spy who traveled around the country recruiting others and disrupting the campaigns of Democratic presidential contenders.

Five days later, the President's appointments secretary, Dwight L. Chapin, was identified as a person who hired Segretti and received reports from him. Segretti's other contact was Watergate defendant Hunt. Segretti received about \$35,000 in pay for the disruptive activities from Herbert W. Kalmbach, the President's personal attorney, according to federal investigators.

This Monday it was announced that Chapin was resigning his White House job, witness in the trial.

The conviction of two of the senior officials in President Nixon's campaign organization for criminal conspiracy, burglary and wiretapping of the Democratic National Committee's Watergate headquarters proves that this sinister operation was no trivial escapade by unimportant persons. It was part of a larger, far-flung, well-financed plan to use political espionage and sabotage techniques to disrupt and defeat the political opposition. The intrusion of these police state methods into domestic politics is without precedent and deserves the most thoroughgoing exposure and condemnation.

The White House has dissembled again and again in a frantic effort to divert the searchlight of public suspicion from its own responsibility for this ugly business. But thanks to the courage and tenacity of Chief Judge John J. Sirica of the United States District Court who presided at the Watergate trial, the public now has on record sworn testimony that former Attorney General John N. Mitchell, the President's campaign manager, and former Secretary of Commerce Maurice H. Stans, his chief money-raiser, personally approved the disbursement of \$199,000 to one of the convicted defendants to carry out this espionage. Judge Sirica elicited that testimony from Hugh W. Sloan Jr., the former treasurer of the Committee for the Re-election of the President, after the prosecutor in the case had unconscionably failed to do so.

Mr. Sloan also testified that one of the convicted defendants told him after the police made the Watergate arrests: "My boys got caught last night. I made a mistake by using somebody from here, which I told them I would never do."

That testimony was not contradicted, but neither did Mr. Sloan explain who was meant by "them." It is a fair deduction that senior White House aides as well as Herbert W. Kalmbach, the President's personal lawyer, not only had knowledge of this repulsive operation but also planned it, recruited agents for it, and received their reports.

Dwight L. Chapin, President Nixon's appointments secretary, has been forced to resign because he has been publicly identified as the White House contact for one of the agents. But no one who knows the amiable and loyal Mr. Chapin believes that this young man is more than the "fall guy" for others more senior than himself in the White House apparatus who are still in office.

"All the facts have not been developed by either side," Judge Sirica observed last week to the lawyers for the prosecution and the defense. The indictments were drawn as narrowly as possible, and the Justice Department has been less than ardent in exploring the case.

It is clearly the duty of the Senate to go forward with its inquiry and make an unremitting effort to identify all of the higher-ups and all of the ramifications of this ruthless conspiracy to subvert the normal exercise of political freedom.

WASHINGTON POST
31 JANUARY 1973

Still Secret: Who Hired Spies and Why

By Carl Bernstein
and Bob Woodward
Washington Post Staff Writers

The Watergate bugging trial was marked by questions not asked of witnesses, answers not given, witnesses not called to testify and some lapses of memory by those testifying under oath.

News Analysis

Five of the seven original defendants in the case pleaded guilty in the opening days of the trial, narrowing its scope from the start.

All seven men were indicted by a federal grand jury on charges of conspiring to obtain information from the Democrats by breaking into their headquarters at the Watergate, stealing their documents, photographing their correspondence, wiretapping their telephones and planting electronic eavesdropping devices in their offices.

The presiding judge said repeatedly that he wanted the trial to probe deeply into the bugging of the Democrats' Watergate headquarters—its sponsorship, funding, purpose and possible relationship to allegations of a wider campaign of political espionage and sabotage.

But "all the facts have not been developed by either side," U.S. District Court Chief Judge John J. Sirica said last week to lawyers for the prosecution and the defense.

Twice Sirica ordered the jury from the courtroom after the prosecution's examination of key witnesses and then questioned them himself about matters not probed by the prosecution.

On Jan. 15, during the trial's second week, Sirica addressed four of the defendants after they had pleaded guilty and outlined some of the issues he said he expected to be developed in the courtroom. Sirica said that the jury is "going to wonder who, if anyone, hired you to go in there, if you were hired."

"I am just assuming that they (the jury) will be asking themselves these questions," Sirica continued as the four men stood before him. "They are going to want to know if there are other people, that is, higher-ups in the Republican Party or the Democratic Party or any party who are mentioned or who are involved in this case and should be in this case, you understand that?"

"The question will arise, undoubtedly, what was the motive for doing what you people say you did," Sirica said. "They will want to know where this money came from, who was the money man, who did the paying off . . . They are going to want to know a lot of things before this case is over."

Those questions could have been posed to witnesses from three sources—government attorneys representing the pros-

ecution, lawyers for the defense and the judge.

When the trial of the last two defendants still on trial—former White House aide G. Gordon Liddy and James W. McCord Jr., the former security coordinator of President Nixon's re-election committee—ended yesterday in conviction on all counts, the question remained unanswered. During cross-examination of government witnesses, their attorneys quite unexpectedly have not pursued the lines of inquiry suggested by Judge Sirica.

The government, for its part, acknowledged that it knows the answers to many of the judge's questions but contends they are more inferential than legally conclusive—and therefore should not have been raised by the prosecution during the trial.

Last Friday, Sirica rejected the prosecution's suggestion that he read the secret grand jury minutes of the case to find the answers to some of his questions, and said he would continue personally to interrogate witnesses when he felt it necessary.

He then ordered that testimony obtained by his own questioning of a key witness outside the presence of the jury, be read to the 12 members of the jury.

That testimony revealed that former Secretary of Commerce Maurice H. Stans, finance chairman of the Nixon campaign, and former Attorney General John N. Mitchell, the President's campaign manager, both had verified that deputy campaign director Jeb Stuart Magruder had authority to approve cash payments to Liddy for an intelligence gathering operation.

The grand jury's indictment, which was drafted by the three prosecutors and approved by their superiors in the Justice Department, dealt only with the activities of the seven original defendants and was limited to allegations the government believed could be conclusively proven in court.

It mentioned none of the undercover activities that the prosecutors previously characterized as "improper" and "despicable," but which, they said carefully skirted the edges of the law on most occasions.

Former White House aide E. Howard Hunt Jr. pleaded guilty in the trial's fourth day, and the four Miami men arrested inside the Watergate on June 17 followed his lead two days later.

When the five defendants were dropped from the case, it was no longer legally permissible to admit as testimony the details of any conversations they might have had out-

side the general period of the conspiracy alleged in the grand jury's indictment—May 1 to June 17.

That applies to statements reportedly made by Hunt and some of the Miami men that high presidential aides had advance knowledge of the Watergate bugging and other undercover activities against the Democrats.

Since the guilty pleas were entered, the prosecution did not call about 10 persons on its witness list who could have testified about matters relating to the five men.

It did not call Hunt and the four others who pleaded guilty as witnesses against the two remaining defendants. There was legal precedent for putting them on the witness stand in the trial, but the prosecution said it would prefer to bring the five before a grand jury for secret questioning about their knowledge of the Watergate bugging and related matters.

"The truth will come out," the judge declared last Tuesday. Then he paused and added: "I hope it will come out in this case. And if I think I should ask questions to bring out additional facts that haven't been developed, I shall continue to do so."

That afternoon, Sirica questioned Hugh W. Sloan Jr., the former treasurer of the Committee for the Re-election of the President, about the authorization of large cash payments to Liddy—then finance counsel of the Nixon committee.

According to investigators and the prosecution, Sloan had no prior knowledge of the Watergate bugging or any other espionage activities against the Democrats. He quit his job when, after June 17, he learned that money he had been disbursing was used for clandestine operations, investigators have said.

In response to his original questioning by the prosecution, Sloan testified Tuesday that he paid Liddy \$199,000 on orders from Jeb Stuart Magruder, then deputy director of President Nixon's re-election campaign.

Earlier, Magruder had testified that he approved the \$199,000 cash payments to Liddy for purposes of setting up an "intelligence network" which, Magruder said, would use only legal methods to obtain information.

Neither Magruder nor Sloan was asked by the prosecution who had authorized the payments to Liddy or who else might have known about the "intelligence network." Judge Sirica did not question Magruder, a former White House aide who was the second-in-command of the Nixon cam-

aign committee.

However, Sirica, excused the jury and questioned Sloan, the campaign treasurer, at length. The judge asked Sloan 41 questions, including these in the following exchange:

Sirica: What was the purpose of turning \$199,000 over to Liddy?

Sloan: I have no idea.

Sirica: You have no idea?

Sloan: No sir.

Sirica: You can't give us any information at all?

Sloan: No sir. I was merely authorized to do so. I was not told the purpose.

Sirica: Who authorized you to turn the \$199,000 over to Mr. Liddy in cash?

Sloan: Jeb Magruder.

Sirica: For what purpose?

Sloan: I have no idea.

Sirica: You didn't question Mr. Magruder about the purpose of the \$199,000?

Sloan: No sir. I verified with Mr. Stans and Mr. Mitchell that he was authorized to make those.

Sirica: You verified it with who?

Sloan: Secretary Stans, the finance chairman, and I didn't directly, but he verified it with John Mitchell, the campaign chairman.

Sirica: This \$199,000 could be turned over to Mr. Liddy is what you are saying?

Sloan: Not the specific amount, but Mr. Magruder, his authorization was authorization enough to turn over the sums in question.

As is customary of government witnesses in criminal trials, Sloan had been told in advance by the prosecution of what he would generally be asked on the witness stand by the government. When Sloan had been questioned by the prosecution about the \$199,000 payments and other money, Liddy was authorized to receive, the relevant exchange went this way:

Prosecutor: Did there come a time in the end of March or early April when you had a conversation with Mr. Liddy about cash disbursements to him?

Sloan: Yes . . . Mr. Liddy came to me indicating that he was being authorized a considerable allocation of cash funds. He had with him at that time what seemed to be a budget which he did not show to me other than the figures on it. It totaled \$250,000. The first disbursement he indicated he would need fairly shortly would be \$83,000 with roughly \$12,000 disbursements following.

Prosecutor: After Mr. Liddy gave you this information about the budget, the \$250,000, and the disbursement relating to the \$83,000, did you check that with Jeb Magruder?

Sloan: Yes I did.

Prosecutor: What did he tell you?

Sloan: He indicated that this budget was in fact—this allocation was in fact authorized to Mr. Liddy. He indi-

cated, however, that he wished in each specific instance to clear the amount and the timing of the distribution.

The testimony of Sloan to Sirica was different from the interrogation by the prosecution in other key respects. Sirica, unlike the prosecution, asked Sloan why he left the Nixon committee and was told he quit because of the Watergate incident and ". . . the internal situations that existed in the committee at the time."

Sloan also gave a different account to the judge of what Liddy had told him the day police had arrested five men inside the Watergate on June 17.

When asked by the prosecution what Liddy had said Sloan answered: "He said to the best of my recollection, 'My boys got caught last night. I made a mistake. I used somebody from here, which I said I'd never do. I'm afraid I am going to lose my job.'"

When Sirica questioned Sloan, he gave essentially the same account but changed the phrase, "I used somebody from here, which I said I'd never do," to "I made a mistake by using somebody from here, which I told them I would never do."

Sloan, however, was not asked whether he knew who Liddy meant by "them."

Assistant U.S. Attorney Earl J. Silbert, the chief prosecutor in the case, told Sirica later that "there was nothing in Mr. Sloan's testimony that was a surprise to us or that we did not know."

Silbert presided over the grand jury that investigated the Watergate bugging and the prosecution received the FBI's field reports in the case.

Among them were reports describing interviews with the four officials of President Nixon's re-election committee who testified in the trial Tuesday. The four, who also appeared before the grand jury, were Herbert L. Porter, scheduling director of the Nixon campaign; Robert C. Okie, director of administration; Magruder, and Sloan. All are ex-White House aides.

Federal investigators have told The Washington Post that as much as \$750,000 in Nixon campaign funds was expended on espionage and sabotage operations against the Democrats and that Mitchell, Magruder, Porter and Stans were among high campaign and White House officials who had authority to receive or approve such cash payments from Sloan.

Neither Judge Sirica nor the prosecution asked any of the Nixon committee officials on Tuesday whether they knew of anyone in addition to those four persons who received or approved such payments. Nor were they asked whether the money received by Liddy was the only cash Sloan disbursed

to clandestine operations.

Among such payments, according to federal investigators, were at least \$25,000 to Magruder; and a minimum of \$35,000 to Herbert W. Kalmbach, President Nixon's personal lawyer and until April 7 the deputy finance chairman of his re-election campaign.

Investigators reported that Kalmbach, who was also interviewed by the FBI, gave the money to a California attorney, Donald H. Segretti, to spy on and disrupt the primary campaigns of various Democratic presidential candidates.

The name of Segretti, who also was interviewed by the FBI and appeared before the Watergate grand jury, was struck from the prosecution's proposed list of witnesses at about the same time that the government learned that Howard Hunt wanted to plead guilty.

According to federal investigators, Segretti was recruited to participate in spying and sabotage operations by Dwight L. Chapin, President Nixon's appointments secretary, and reported on his activities to both Hunt and Chapin.

Testimony either from or about Segretti, who federal investigators say was not involved in the Watergate bugging but received other undercover assignments from Hunt, might have dealt with some of the broader questions Judge Sirica said he wanted answered at the trial.

In an account by The Los Angeles Times, Assistant U.S. Attorney Silbert is reported to have said that Segretti "would have to be tied in with something illegal" to be called as a witness, and that there is no evidence he broke any laws.

"Silbert agreed in an interview that allegations about Segretti, if true, could place the Watergate case in a larger perspective for jurors," The Times account said.

Many of the broader issues posed by Judge Sirica were explored in detail by the FBI, particularly in its questioning of the four Nixon committee officials who testified Tuesday. Among the questions covered by the FBI, but not raised at the trial, were:

• Who conceived the original idea for the "intelligence network" mentioned by Magruder in his testimony, and who gave final approval to the plans? According to investigations, the decision to undertake undercover operations against the Democrats was made in the White House as a basic strategic element of the President's re-election campaign and the plans were directed by presidential aides at the Committee for the Re-election of the President.

• What information was received for the \$235,000 in campaign funds, which, according to court testimony, was given to Liddy for intelligence work

and who—besides Porter and Magruder—received information? Magruder and Porter mentioned four items of information they received: data about an anticipated demonstration in Manchester, N.H., by a left-wing group; information about a right-wing demonstration in Miami; indications that as many as 250,000 demonstrators could be expected at the Republicans' initial convention site of San Diego; and information about a "major polluter" who was giving financial support to a Democratic presidential candidate.

According to investigators, additional information was received from Liddy, some of it directed to other officials at the White House and the Nixon re-election committee.

• What other intelligence assignments did Magruder give Liddy? Magruder testified that there were "a number of others." He was asked by the prosecution to give an example and mentioned the investigation about the major polluter and the Democratic presidential candidate, neither of whom he named. According to investigators, the candidate was Sen. Edmund S. Muskie, apparently the principal target of the Nixon campaign's undercover operations.

• Why was the \$235,000 never accounted for by responsible campaign officials in either internal audits or campaign spending reports filed with the General Accounting Office? In its opening statement, the prosecution said that federal investigators have only been able to trace \$30,000 of the total.

• Why were records of the transactions involving the \$235,000 destroyed, and what other records relating to undercover activities were destroyed? Porter and Sloan testified that they destroyed their records because they did not see any need for them. Odle testified that, hours after the Watergate break-in, he led Liddy to the biggest paper shredder in the offices of the Committee for the Re-election of the President.

• Why did the Nixon re-election committee, which conducted almost all of its business by check, deal with Liddy in cash—most of it in \$100 bills? Testimony in the trial has shown that the seven men indicted in the case used \$100 bills on at least 14 occasions to buy plane tickets, pay for hotel rooms, radio receivers, meals and other expenses. One hundred dollar bills, which the judge had said "were floating around like coupons," were found on the five men arrested in the Watergate.

• Why did Nixon committee officials feel it was necessary to hire 10 college-age students to infiltrate left-wing groups? Porter testified that the 10 students were to "ascertain

themselves into such organizations as the Yippies and the SDS and other such radical groups." He said the Nixon committee was "not privy to a lot of the information that, say, the Secret Service had or the FBI or state and local government police agencies might have on the activities of these groups." Did the Nixon committee officials believe the police and FBI would not provide them with the necessary information?

On Jan. 11, the fourth day of the trial, when former White House consultant Howard Hunt pleaded guilty, Judge Sirica first began his attempt to probe more deeply into the motives behind the alleged conspiracy.

Though Hunt was not under oath, Sirica called him to the bench and asked Hunt how he got into the alleged conspiracy. Hunt's attorney, William O. Bittman, intervened and said it might be improper for Hunt to answer the question because Hunt would be called before the grand jury later to answer such questions in secret. Sirica dropped the line of questioning.

When four other men, all from Miami, pleaded guilty Jan. 15, Sirica called them before him to answer similar questions — again not under oath. Sirica asked Eugenio R. Martinez, one of the Miami defendants, the following questions:

Sirica: I want you to start

NEW YORK TIMES
20 January 1973

Pentagon Paper 'Secrets' Cited in Public Document

By MARTIN ARNOLD
Special to The New York Times

LOS ANGELES, Jan. 19.—The Pentagon papers trial, in only the second day of testimony, went right to the heart today of the defense's legal position: That much of the material contained in the top secret papers had long been in the public domain.

The defense presented in court a United States Government Printing Office publication that was available to the general public for \$6 a copy early in 1969. The defense pointed out that it contained much of the same information that the prosecution contends injured the national defense when it was made public, in a different form, at a much later date.

It was the second day in which Lieut. Gen. William G. DePuy, a prosecution witness, underwent cross-examination by the defense. Yesterday, and again today, the general insisted that a 1968 Joint Chiefs of Staff memorandum on the effects of the Communist Tet offensive in Vietnam in the

from the beginning and I want you to tell me how you got into this conspiracy, how did it happen that you got involved? Do you understand what I mean?

Martinez: Yes, I understand. Sirica: Tell me in your own words what you did, how you got mixed up (in this)?

Martinez: I believe the facts that you have read in the charges (indictment) are true and are just to the truth.

Sirica: That is a blanket answer. I want to know specifics.

Martinez: I am sorry.

Sirica: I want specific answers to my questions. I am not satisfied.

Sirica did not get specific answers. Martinez repeated the charges in the indictment and acknowledged their truth. The four Miami men, who are either Cubans or have close ties with Cuba, said they were not paid, except for expenses and became involved because they thought their actions would help free Cuba from Fidel Castro's rule.

Numerous reports and government records say that all four worked at one time or another for the CIA. Sirica asked them if they had. He got answers of either "No, your honor" or "Not that I know, your honor."

When defendant Bernard L. Barker, a Miami real estate agent, was asked who sent him a \$25,000 cashier's check intended for the President's re-

election campaign, he responded: "For a definite fact I cannot state who sent that money."

The judge later asked: "Don't you think it was strange that amount of money coming through the mail without being registered or anything?"

Barker responded: "No, I don't think it's strange, your honor. Like I said, I have previously, before this been involved in other operations which took the strangeness out of that as far as I was concerned."

Later Sirica said, "I don't believe you," when Barker said he got the money "in the mail in a blank envelope."

Then, according to the official court transcript, the four "in chorus" answered 19 questions. They answered with "No, your honor" when asked if they were coerced to plead guilty, or given any money or promises, and "Yes, your honor" or "Yes, sir" when asked if they were guilty to each of the seven charges in the indictment against them.

On Monday, Judge Sirica questioned Alfred C. Baldwin III, a former FBI agent and key prosecution witness who testified that he monitored wiretapped telephone calls at defendant McCord's instruction. In earlier testimony, Baldwin said that McCord usually received the logs of the monitored conversations, but that once in June McCord had

were shown to the jury.

Thus, the 1968 Joint Chiefs of Staff memo, which General DePuy said was dangerous to make public, said this:

"He [the enemy] committed over 67,000 combat maneuver forces plus perhaps 25 per cent were impressed men and boys, for a total of about 84,000."

The general said that this information, in the Joint Chiefs report, which was written in the latter part of February, 1968, could help Hanoi evaluate American and South Vietnamese intelligence, and was "sensitive" even now, in his opinion.

But Leonard Weinglass, an attorney for Mr. Russo, using a slide, showed that in the report sold by the Government Printing Office early in 1968, Gen. William C. Westmoreland, Commander of the Army in Vietnam, had written, and General DePuy had helped edit, this statement:

"The Tet offensive was exceedingly costly to the enemy throughout the country. Between 29 January and 11 February the Communists lost some 32,000 men killed and 5,800 detained, out of an estimated force of 84,000."

The 1968 Joint Chiefs of Staff memo said, "Probably the only major unit to escape heavy losses was the 7th NVA (North Vietnam Army) Division. However, present dispositions give the enemy the continuing capability of attacking in the Salgon area with 10 to 11 combat ef-

Baldwin delivered the logs to the Committee for the Re-election of the President.

Sirica asked Baldwin the following questions:

Sirica: But you also stated that you received a telephone call from Mr. McCord from Miami in which I think the substance of your testimony was that as to one particular log, he wanted you to put that in a manila envelope and staple it, and he gave you the name of the party to whom the material was to be delivered, correct?

Baldwin: Yes, your honor.

Sirica: You wrote the name of that party, correct?

Baldwin: Yes, I did.

Sirica: On the envelope, you personally took that envelope to the Committee to Re-elect the President, correct?

Baldwin: Yes, I did.

Sirica: And you were under strict instructions from Mr. McCord to give it to the party that was named on the envelope, right?

Baldwin: Yes.

Sirica: What is the name of that party?

Baldwin: I do not know, your honor...

Sirica: You testified before this jury and have gone into great detail regarding the various things that transpired or happened insofar as your recollection is concerned, correct?

Baldwin: That is correct.

Sirica: But you can't remember the name of the party to whom you delivered this particular log?

fective battalion equivalents."

Again, the general found making this information public harmful to American forces in Vietnam.

In the Government Printing Office document, General Westmoreland had written: "On the other side of the argument, however, is the fact that large North Vietnamese formations were used initially in the attack on the III Corps area, particularly the North Vietnamese 7th Division, which was held out of the early decision stage of the battle."

Thus, the defense was attempting to show again, that the information contained in the Joint Chiefs of Staff memorandum — although not the memorandum itself — was in the public domain.

The defense also flashed onto the screen that had been set up in the courtroom an article that appeared in The New York Times on March 10, 1968, to show that one of the key recommendations made in the Joint Chiefs of Staff memorandum had become public information within days after the memorandum was written — this was that General Westmoreland had requested 206,000 more American troops for Vietnam.

The headline on The Times article said: "Westmoreland requests 206,000 more men; stirring debate in Administration."

General DePuy, now assistant to the Vice Chief of Staff of the Army, was in the nineteen-sixties one of the chief

NEW YORK TIMES
24 January 1973

military planners in Vietnam. In the latter part of February, 1968, he was one of eight officers to accompany Gen. Earle Wheeler, then chairman of the Joint Chiefs of Staff, to Vietnam to make a report on the Tet offensive. In 1968 Joint Chiefs of Staff memorandum referred to during this trial is that report.

Experienced Witness

The thin, short general, who testified in civilian clothes, is obviously an experienced witness. He sat on the witness chair, black-rimmed glasses in hand, articulating his points in long and grammatically correct sentences.

He never raised his voice, but when he did not understand a question he did not hesitate to say so; nor did he hesitate to turn to United States District

Court Judge William Matthew Byrne, who is presiding over this trial, to ask him to have questions clarified.

The general is not easily shaken from a position and apparently has a fine memory. He was able, with precise detail, to recall the testimony he gave yesterday.

This morning, in fact, he admitted under cross-examination that he had studied the transcript of the testimony he had given yesterday and that he had met again, before court today, with the chief prosecutor, David R. Nissen.

Later this afternoon, he started to undergo cross-examination from Charles Nesson, one of Dr. Ellsberg's lawyers. Dr. Ellsberg and Mr. Russo are accused of 15 counts of espionage, theft and conspiracy in the case.

NEW YORK TIMES

23 January 1973

SECRET DEBATED
IN ELLSBERG TRIAL

By MARTIN ARNOLD
Special to The New York Times

LOS ANGELES, Jan. 22.—The Pentagon papers case moved today into arguing the distinction between a document labeled "top secret" and one that contains some of the same information, but is not labeled "top secret."

Under cross-examination for the third day, Lieut. Gen. William G. DePuy, thus far the Government's most important witness, acknowledged that he had helped edit a report on Vietnam that he said was "of use" to the North Vietnamese, even though it was sold to the public for \$6 by the United States Printing Office.

That report was written by Gen. William C. Westmoreland, the American military commander in Vietnam from 1964 to 1968, and it had in it some of the same information and conclusions that appeared in a 1968 memorandum by the Joint Chiefs of Staff that was labeled "top secret" and that Daniel Ellsberg is accused of stealing and passing on to his co-defendant, Anthony J. Russo Jr.

The Joint Chiefs of Staff memorandum was written after a nine-man survey team, headed by Gen. Earle G. Wheeler, then chairman of the Joint Chiefs of Staff, visited Vietnam for three days at the end of February, 1968, to evaluate the enemy's Tet offensive that had taken place earlier that month. The Westmoreland report, which General DePuy said he helped edit, was available to the public in March, 1969.

It took three days, but finally one of Dr. Ellsberg's attorneys, Charles R. Nesson, a Harvard law professor, got the general to admit that he was not entirely happy that the Westmoreland report had been made public.

"This history and this information, put together with everything they know, put together

with The New York Times, with books, could make up a report—so I would have to say these pages would benefit the North Vietnamese," General DePuy said.

"Of possible use to them?" Mr. Nesson asked.

"Of possible use, yes," the general replied.

What, then, is the distinction between the Joint Chiefs of Staff memorandum and the Westmoreland report?

According to the general, the fact that the Joint Chiefs of Staff memorandum reflected the views of General Wheeler, at the time the nation's highest-ranking military officer on active duty, would give it "more credibility" in the eyes of the North Vietnamese than a similar report from General Westmoreland, who was then only the commander in the field.

"The fact that it was classified could heighten their [the North Vietnamese] interest," General DePuy said. "The fact that it was classified calls attention to its importance." He added:

"It's a different assessment by a different man at a different time with a different audience and includes different facts unclassified, published by the Government."

General DePuy then described the Joint Chiefs of Staff memorandum as an "official action report" and added that it "was not submitted to the people."

Of General Westmoreland's report, he said: "This, however, is an unclassified report, a history, and is not an official action report. It doesn't give the viewpoint of the chairman [of the Joint Chiefs of Staff]."

Objected 50 Times

While this cross-examination was going on, the chief prosecutor, David R. Nissen, objected about 50 times. He was sustained at least half the time. But, as a legitimate courtroom tactic, the continual objections served to slow down the flow of testimony in an attempt to obscure what the general was testifying about.

Legally, the testimony was important on several counts. First, the defense is contending

PENTAGON PAPERS
BECOME EVIDENCE

By MARTIN ARNOLD

Special to The New York Times

LOS ANGELES, Jan. 23.—The Pentagon papers themselves were introduced into evidence today, and an Army officer who helped put them together testified that their disclosure would be "of use to a foreign nation."

Seated in the witness box, with the papers before him in an old grocery carton, Brig. General Paul F. Gorman said that the documents would be "useful to augment the intelligence of a foreign country" and "to influence foreign relations."

He was the third witness to testify for the Government in the trial of Dr. Daniel Ellsberg and Anthony J. Russo Jr., and was the second general officer to do so. Dr. Ellsberg and Mr. Russo are accused of 11 counts of espionage, theft and conspiracy in connection with the Pentagon papers.

Like Lieut. Gen. William G. DePuy, who previously testified, General Gorman wore civilian clothes. Unlike General DePuy, he seemed to enjoy testifying. He smiled and gestured as he answered the questions of David R. Nissen, the chief prosecutor, sometimes facing the jury directly to give his response.

"Could those documents have been of use to a foreign nation in 1969?" Mr. Nissen asked.

"Yes," the general replied.

Mr. Nissen then moved that 18 volumes of the Pentagon's secret history of the Vietnam war be put into evidence, and he remarked that the Government would use them in many ways, including for fingerprints.

The complete Pentagon papers consist of more than 7,000 pages in 47 volumes, but for the purposes of this trial the defendants are accused of misusing only 18 volumes, which include four volumes on diplomatic negotiations.

The papers were first made public by The New York Times in a series of articles starting that much of the information contained in the Pentagon papers and other documents involved were in the public domain before Dr. Ellsberg allegedly stole and distributed them. The defense maintains that the real importance of the papers was that they brought together, under official auspices, facts about the Vietnam war.

Second, it was important that General DePuy used the word "history" in describing general Westmoreland's report because the defense contends that the Pentagon papers were, like that report, also "history," and, as such, should never have been classified "top secret" in the

June 13, 1971. The indictment covers only the period from March 1, 1969, to Sept. 30, 1970.

Mr. Nissen asked how the papers could have been useful to a foreign nation.

"They could be of use to shape, direct, block the channels of international communication," General Gorman replied.

"How?" he was asked.

"It could inform foreign nations on how the U.S. Government conducts itself while engaged in war in Southeast Asia," he answered.

Tie to Defense Alleged

The general went on to explain how an intelligence expert for a foreign country might use the Pentagon papers not only to expand his own knowledge but also to verify the material he had gathered elsewhere—"to assess how a good job his men in the field were doing."

To prove its espionage case against the defendants, the Government must first demonstrate that the Pentagon papers were in fact related to the national defense. The questioning of General Gorman, like the questioning of General DePuy, was aimed to make that point.

General Gorman, who graduated from West Point in 1950 and earned a master's degree in public administration from Harvard in 1954, is assistant division commander of the Fourth Infantry Division at Fort Carson, Colo. He served twice in Vietnam, once commanding an infantry battalion and once an airborne brigade.

Worked on Security

In the summer of 1967, he was assigned to the International Security Affairs Division of the Department of Defense, which then functioned as the Pentagon's elite idea group on foreign policy, and he subsequently became the top military man on the group that put together the Pentagon papers, which cover United States involvement in Southeast Asia through four Presidential Administrations.

The general, ironically, was making from the witness stand the same argument that Dr. Ellsberg made when he was attempting to persuade various Congressional figures to make the Pentagon papers public—that they tell important, secret information about the inner workings of the Government. Now, however, the defense is attempting to prove that all the information in the papers was in the public domain long before the papers themselves became public.

General Gorman who courtroom observers believe seems to have built rapport with the jury, described the papers as "an authoritative survey of the war," as "representing the highest classification, top secret, sensitive," and as telling "the thinking of the U.S. Government at the highest levels."

Describing the effect that a particular passage might have upon the North Vietnamese intelligence departments, he said, "This is simply telling the enemy that we knew what they were up to."

WASHINGTON POST
27 JANUARY 1973

U.S. Study Appears to Aid Ellsberg

By Sanford J. Ungar
Washington Post Staff Writer

LOS ANGELES, Jan. 26—The Defense Department, in internal studies prepared in connection with the prosecution of Daniel Ellsberg and Anthony J. Russo Jr. in the Pentagon Papers trial, concluded that disclosure of some volumes of the once-top secret papers would not affect the "national defense." It was revealed in federal court here today.

U.S. District Court Judge W. Matt Byrne Jr. incensed at what he apparently felt were delaying tactics by the government in producing the studies, exploded with anger at the prosecution, declaring tonight that he would turn over the internal studies to attorneys for Ellsberg and Russo for use by the defense.

Ellsberg and Russo are charged with conspiracy, espionage and theft of government property.

Byrne also ordered that J. Fred Buzhardt, the Pentagon's general counsel, and a Justice Department official working on the case appear at a special hearing here Monday to testify about the studies, known as "damage reports."

The judge said they must bring along massive Pentagon files on the case for his inspection.

In order to show guilt under the espionage act, the defendants are accused of violating the government must establish a connection between the Pentagon Papers and the "national defense."

Clearly, the damage reports Judge Byrne read in court today bear directly on that connection, and their conclusion that compromise of at least two of the volumes does not "in any way affect" the national defense could lead to dismissal of some of the eight espionage counts in the 15-count indictment.

At the least, the defense would have an opportunity to question the as yet unidentified author of the "damage reports" before the jury on why he felt that disclosure of the volumes would do the country no harm.

Today's revelations, which came after the jury had been dismissed until Tuesday morning, grew out of testimony by the first prosecution witness, Frank A. Bartimo, an assistant general counsel at the Pentagon, on Jan. 18, the sec-

ond day of trial.

Bartimo revealed at that time that he had commissioned a task force in 1971, after the Pentagon Papers had appeared in newspapers, to assess their connection with the national defense.

For the past week, Bartimo has been back and fourth to Washington, by plane and by telephone, in an effort to assemble the "damage reports."

Only today, the Pentagon sent a military jet to Los Angeles carrying material chief prosecutor David R. Nissen said was so sensitive that it could not be put aboard a commercial aircraft.

Nissen has been under the judge's orders since last April to produce the "damage reports" for Byrne's private inspection and consideration of whether they should be available to the defense.

(Such material falls under the Supreme Court's 1963 decision in the case of *Brady v. Maryland*. In that case, the high court reversed the conviction of an accused rapist because the prosecution failed to give the defense information it had which tended to exculpate, or establish the innocence of, the accused.)

Byrne suggested today that Nissen had not fully complied with his order of last April.

The more Bartimo testified, as he was repeatedly called back to the witness stand this week, the more he revealed the existence of "damage reports" that the judge had never seen.

This evening, as Nissen stood stammering in protest, Byrne read in open court from two apparently exculpatory reports provided to him privately by the prosecutor only on Wednesday of this week.

One, which covered a volume of the Pentagon Papers included in the indictment, entitled "Evolution of the War, U.S. and France's Withdrawal From Vietnam—1954-1956," said that "since virtually all the material in this volume has been in the public domain since before 1969 . . . the Defense Department does not find, therefore, that the compromise of this volume in any way affects the national defense."

Another, dealing with a Rand Corp. study of the 1954 Geneva accords on Indochina, also mentioned in the indictment, said its disclosure would "not have any effect whatsoever on the national defense."

Byrne said he would provide those undated reports, and perhaps much more of the material, to the defense.

Taking both the judge and the prosecution by surprise, defense attorney Charles Nesson revealed that the defense knows, from its own sources, that still other "damage reports" were prepared in late 1971, when the Justice Department was preparing to

WASHINGTON POST
25 JANUARY 1973

Ellsberg Witness Details War's Origin

By Sanford J. Ungar
Washington Post Staff Writer

LOS ANGELES, Jan. 24—

While in Washington the talk was of peace and Vietnam's future, the grim details of the costly American involvement in the war were being rehashed in federal court here today.

With the lights dimmed in the cavernous courtroom so that the jurors could read slides projected onto a screen, Brig. Gen. Paul F. Gorman painstakingly reviewed some of the highlights of the past three decades of events in Southeast Asia.

Some slides showed a computer-produced "chronology," and Gorman drew attention to a line indicating the arrival in Saigon of Col. Edward G. Lansdale in 1954 on a "secret mission" for the Central Intelligence Agency to help conduct early operations against North Vietnam.

Smiling, he pointed out that the documents he had before him on the witness stand and on the screen, the once-top secret Pentagon papers, provide the names of nearly everyone sent from Washington to provide covert support for the regime of Ngo Dinh Diem.

Gorman, who was assistant director of the Defense Department task force that prepared the Pentagon Papers, is a key prosecution witness in the trial of Daniel Ellsberg and Anthony J. Russo Jr. on charges of conspiracy, espionage and theft of government property in connection with disclosure of those and other classified documents.

His task, in what is expected to be almost a week of testi-

bring a superseding indictment here against Ellsberg and Russo.

Nesson produced an internal Defense Department memo to Buzhardt from one of his assistants, John J. Stahl Jr., dated Dec. 13, 1971, relaying a request for help from John Martin, chief of the Analysis and Evaluation Section in the Justice Department's Internal Security Division.

The defense attorney, a Harvard law school professor, hinted that the defense has a copy of yet another memo asking that apparently exculpatory "damage reports" be removed from Defense Department files to avoid disclosure.

It was then that Byrne ordered that Buzhardt and Martin, who is Nissen's "contact" in Washington, be here on Monday.

Leonard J. Weinglass, Rus-

son's chief attorney, argued that there may be grounds for dismissal of the entire indictment, if the Justice Department already had exculpatory "damage reports" from the Defense Department but failed to make them available to the grand jury in De-

mon, is to show that compromise of the documents in 1969—the time of the alleged conspiracy—could have damaged the "national defense."

Today, that involved going over a group of volumes which Gorman described as tracing "the evolution of the war, events after the United States became directly involved . . . after an alliance was established between this country and the Saigon government."

The general gave special attention to the volume entitled "The Overthrow of Ngo Dinh Diem."

He cited passages from the screen that detailed relations in 1963 between Henry Cabot Lodge, then American ambassador in Saigon; Col. Lucien Concin, a CIA agent; and Duong Van Minh, the South Vietnamese general who led the plot against Diem.

"Lodge recommends that when Concin is contacted again, he be authorized to say that the U.S. will not thwart a coup."

"Lodge then authorized CAS [a code name for the CIA headquarters in Saigon] to assist in tactical planning."

"We are in agreement that the Nhus [Diem's brother and sister-in-law] must go."

It was an altogether captivating yarn—and probably a new one for the two men and 10 women jurors, none of whom showed any familiarity with the origins of the war in Vietnam during their selection earlier this month.

Many of the jurors leaned forward to listen intently. Some took notes.

The section of the overthrow of Diem was especially sensitive in 1969, Gorman explained, because at that time Lodge was the chief American representative at the Paris peace talks with North Vietnam.

The general gesticulated and maintained almost constant eye contact with the jury box. His tone was professorial and confident.

As the jury left, Judge W. Matt Byrne Jr. warned them again, as he does every day, not to read or listen to or discuss anything connected with the case.

so's chief attorney, argued that there may be grounds for dismissal of the entire indictment, if the Justice Department already had exculpatory "damage reports" from the Defense Department but failed to make them available to the grand jury in De-

ember, 1971.

Earlier in the day, the prosecution completed direct examination of Brig. Gen. Paul F. Gorman, who was assistant director of the Defense Department task force that compiled the Pentagon Papers, by leading him through the most sensitive "diplomatic volumes."

Gorman's testimony included a description of how the British government monitored telephone conversations in 1967 between Soviet Premier Alexei Kosygin, then on a visit to London, and Leonid Brezhnev, head of the Soviet Communist Party, and then

passed the information along to American agents.

Asked by Nissen how the United States would react if it obtained a similar study to the Pentagon Papers prepared by China, the Soviet Union or North Vietnam, Gorman replied that "it would be the intelligence windfall of the decade."

But Byrne ordered that answer stricken from the record as unrelated to the evidence in the case. The judge postponed cross-examination of Gorman pending resolution of the furor over the "damage reports."

NEW YORK TIMES
31 January 1973

Ellsberg Judge Says U.S. Must Give Data to Defense

By MARTIN ARNOLD

Special to The New York Times

LOS ANGELES, Jan. 30.—The judge in the Pentagon papers case ruled late this afternoon that the Government had some evidence tending to prove the innocence of the defendants. He then ordered that this evidence be turned over tonight to the defendants, Dr. Daniel Ellsberg and Anthony J. Russo Jr.

Attorneys for the men said that they would move for a mistrial tomorrow and that they would ask for sanctions against the Government for the many months that it denied that such evidence existed.

No participants or observers seemed to expect Federal District Court Judge William Matthew Byrne Jr. to declare a mistrial, but it was pointed out that he could throw out some of the 15 counts of espionage, theft and conspiracy.

In addition, the defense will now be able to use some of the prosecution's own materials when questioning witnesses before the jury.

The evidence involved is contained in the Government's analyses of the effect that the disclosure of the Pentagon papers had on national defense.

The analyses had been submitted reluctantly by the Government in secret; and most of it very recently.

It was a poignant moment in the courtroom when Judge Byrne said that portions of the Government's analyses showed that the disclosure of 11 of the 20 top secret documents involved in the case, did not affect the national defense.

Dr. Ellsberg, sitting at the defense table with his attorneys, broke into a large grin and then moved to where his wife was sitting in the courtroom and put his arm around her. They stayed that way for the remainder of the session.

Eight of the counts against

Dr. Ellsberg and Mr. Russo are espionage counts, and to prove them, the Government must first prove that the men's alleged illegal acts damaged the national defense.

The seven other counts involve theft and conspiracy, but because some of the same 20 top secret documents are involved, the theft and conspiracy charges could also be narrowed substantially by the judge.

The 20 documents are 18 volumes of the 47-volume Pentagon papers, a 1968 Joint Chiefs of Staff memorandum and a 1954 Geneva Accords memorandum. All of them were classified top secret-sensitive, and all were made public by The New York Times on June 13, 1971.

The Department of Defense, at the behest of the Justice Department, has done a number of secret analyses of these 20 documents to determine for court action whether or not the national defense was affected by their release.

And since April, Judge Byrne has been asking for these analyses because the defense has contended that they contain exculpatory evidence.

Under a Supreme Court ruling in 1963, such prosecution evidence, which tend to prove the innocence of a defendant, must be turned over to the defendant upon request.

The Government has denied since spring that much of the material existed. But this morning, the Government finally gave Judge Byrne the final stack of such papers. They were about as thick as the Manhattan telephone book and included analyses by the Department of Defense's Security Review Division.

The Judge said that he would look this latest material over to see if it too contains exculpatory evidence.

NEW YORK TIMES
1 February 1973

Colonel at Ellsberg Trial Says Pentagon Hid Data

By United Press International

LOS ANGELES, Jan. 31—Studies that indicated that release of the Pentagon papers would not endanger national security were ordered covered up by the Defense Department, a witness testified today at the espionage trial of Daniel Ellsberg.

Lieut. Col. Edward A. Miller Jr., retired, the "mystery witness" promised by the defense, said that he had prepared an analysis of nine volumes of the

secret Vietnam war documents and concluded that fewer than 150 of 800 points believed to be related to national defense were properly classified.

Colonel Miller said that his superior at the Pentagon, Charles Hinkle, director of security review in the office of the Assistant Secretary for public affairs, told him that he had received instructions from Jerry W. Friedheim at the Assistant Secretary for Public Affairs at the Pentagon that the "damage report" should be removed from the files.

Colonel Miller said that he had seen a memo confirming that the documents were to be removed from the files in July, 1972.

United States District Court Judge William Matthew Byrne Jr. had ordered the defense to produce the witness that it contended could prove that the Government had deliberately withheld information that would help to prove Dr. Ellsberg's innocence.

Mr. Hinkle also flew to Los Angeles from Washington to testify on orders of the judge.

Judge Byrne disclosed yesterday the series of "damage reports" indicated that 11 of the 20 volumes of the Pentagon papers contained no information that was vital to national security.

Jury Is Sent Home

By MARTIN ARNOLD

Special to The New York Times

LOS ANGELES, Jan. 31.—The jury in the Pentagon papers trial was sent home today until Monday to give the defense time to study new evidence in the case.

The evidence consists of the Government's own secret evaluation of whether the disclosure of the Pentagon papers damaged this country's national defense.

The judge has ruled that some of the Government's analyses showed that the national defense was not affected, and last night this material was turned over to the attorneys for Daniel Ellsberg and Anthony J. Russo Jr., the defendants.

The defense has been contending since April that such material existed, and that the Government had suppressed it until last week. For months the prosecution has been denying in court the existence of the

WASHINGTON POST
27 JANUARY 1973

exculpatory material. The analysis of the volume entitled "Phased Withdrawal of United States Forces" (1962-1964)" said, for instance, that "DOD review of this volume does not show that its compromise would effect in any way national defense interests in 1969 or today."

Earlier Release Cited

Even more telling was this Defense Department evaluation of disclosure of the volume entitled "Re-emphasis on Pacification" (1965-1967)." It concluded this way:

"Since virtually all the information presented in this volume has been in the public domain prior to 1969, it would be difficult, if not impossible, to assess the contents of the volume as having any effect whatsoever on national defense as of 1969."

Dr. Ellsberg and Mr. Russo are accused of eight counts of espionage, six of theft and one of conspiracy. To prove the espionage charges, the most serious charges against them, the Government must first prove that their alleged illegal actions damaged the national defense of this country.

Exculpatory material is evidence that the prosecution has that would tend to prove the innocence of the defendants, and in this case it consists of portions of various secret analyses that the Government made to determine what effect, if any, disclosure of the Pentagon papers and two other top secret documents had on the national defense.

The two other documents are, a 1968 Joint Chiefs of Staff memorandum evaluating the Communist Tet offensive in Vietnam that year and a 1954 memorandum on the Geneva accord. All of these documents were first made public in a series in The New York Times starting June 13, 1971.

The exculpatory evidence turned over to the defendants last night by United States District Court Judge William Matthew Byrne Jr. touched on 12 of the 15 counts against them—six of the espionage counts, five of the theft counts and the conspiracy count. That such evidence exists does not mean that the judge will throw out any or all of the counts that it touched upon, but he could. It does mean that the defense will be able to use portions of the Government's own analyses to defend itself before the jury.

Similar conclusions were made in the analyses of eight other volumes. Nine of the analyses were made by the Defense Department and two by the State Department. The year 1969 is important because the time period covered in these incidents is from March 1, 1969, to Sept. 30, 1970.

The Government's first witness, Frank A. Bartimo, an assistant general counsel to the Defense Department, admitted on Jan. 18 that shortly after the Pentagon papers were published in The Times, a special panel was set up at the behest

U.S. Denied Delay in Wiretap Suit

A federal judge here has refused to delay action on a civil suit filed by Daniel Ellsberg against former Attorney General John N. Mitchell and a number of high administration officials charging that his attorney's telephones had been illegally tapped.

The government had asked that the civil trial be postponed until the end of the criminal trial against Ellsberg, who is being tried in Los Angeles on charges of espionage and theft of government documents in the Pentagon Papers case.

During pretrial proceedings in the criminal case, it was learned that one of the defense attorneys had been overheard in a call made from a tapped phone.

However, after hearing the tape, the judge ruled that it was "utterly without significance or relation in any way to this case." Ellsberg then filed the civil suit here.

The U.S. government then asked U.S. District Judge Thomas A. Flannery to delay action in the civil case "to avoid interference with the criminal case."

Flannery refused but said the proceedings in the civil case will be closely monitored by the court to protect any possibility of interference with the criminal trial.

of the Justice Department to analyze the publication's effect; and that in December, 1971, still more analyses were ordered.

Thus far, the exculpatory material has been found in the later analyses, and there are 37 such analyses.

After Mr. Bartimo's testimony, Judge Byrne reiterated his order of last spring that all such analyses and related correspondence be turned over to him in camera, and reluctantly, starting last week, the Government began to comply.

NEW YORK TIMES
23 January 1973

Justices Back Full Secrecy Of Documents on Security

Special to The New York Times

WASHINGTON, Jan. 22—Citizens cannot use the Freedom of Information Act to gain access to unclassified sections of secret and top secret national security papers, the Supreme Court held today.

At the same time, the high court ruled that Government agencies could be compelled under the act to produce inter-office memorandums in court unless they were able to establish beforehand that such papers could not legally be subpoenaed in an ordinary court case.

The Court divided 6 to 3 in the national security aspect of the decision, with Associate Justices William O. Douglas, William J. Brennan Jr. and Thurgood Marshall dissenting. On the memorandum issue, only Justice Douglas disagreed with the eight-man majority.

The case arose in 1971 when Representative Patsy Mink, Democrat of Hawaii, and 32 other House members were unsuccessful in persuading President Nixon to release an interdepartmental report on an underground nuclear test scheduled for Amchitka Island, Alaska.

The Representatives went into Federal District Court, contending that the 1966 Freedom of Information Act entitled them to the information. The court ruled for the Administration, on the ground that the papers involved were protected by exemptions in the act covering classified material and memorandums that would not be available in an ordinary lawsuit.

Decision Reversed

But the Court of Appeals for the District of Columbia reversed the decision, holding that only secret parts of classified documents were protected and ordering the judge to examine the papers in private to see if some of their contents could be made available to the members of Congress.

The appellate court said the judge could also determine whether the memorandums included "factual information" that could be made public, as opposed to details of "policy-making processes."

The Supreme Court majority decided today that classified material need not be submitted to the Federal judge at all to retain its exemption, but that agencies withholding memoran-

dums had the burden of satisfying the judge that they would not have been subject to subpoena in an ordinary civil case.

In his dissent, Justice Douglas declared that "the Government seeks to escape from the [Freedom of Information] Act by making the Government stamp of 'top secret' or 'secret' a barrier to the performance of the District Court's functions."

"The majority," the Justice continued, "makes the stamp sacrosanct, thereby immunizing stamped documents from judicial scrutiny, whether or not factual information contained in the document is, in fact, colorably related to interests of the national defense or foreign policy."

Voice-Recording Upheld

The high court also ruled, in two cases involving an Illinois gambling investigation, that witnesses called before the grand jury could not invoke the constitutional privileges against self-incrimination and improper search to avoid recording voice and handwriting samples.

The Court ruled 7 to 2 against Antonio Dionisio in the voice-recording case, with Justices Douglas and Marshall dissenting. In the handwriting case involving Richard J. Mara, Justice Brennan also dissented for a 6-to-3 division.

In another decision, the Court voted 8 to 1 to stay a lower court decision that would have allowed Philip and Daniel Berrigan, the antiwar priests, to travel to North Vietnam. Justice Douglas was the dissenter.

The Berrigan brothers are on parole from prison terms for having destroyed draft board records as a protest against the Vietnam war. The United States Parole Board has refused them permission to travel to Hanoi, but the United States Court of Appeals overruled that decision.

"Keeping alive intellectual intercourse between seemingly opposed groups," Mr. Douglas wrote in his dissent, "has always been important, and is even more important in view of the bridges of communication long destroyed between this country and North Vietnam, which are now being restored."

The stay will remain in effect until the Supreme Court has ruled on the validity of the Court of Appeals decision or has declined to review the case.

WASHINGTON POST
BOOK WORLD
28 JAN 1973

LETTERS

Myth and Madness

WHAT IS THERE about the intelligence business that invites the kind of commentary contained in Thomas Ross's review of CIA, *The Myth and the Madness* (Book World, December 31)? A book is written. Enough of it is true to establish an ambiguity of plausibility for the book as a whole. The balance of the book is made up of statements which are either factually inaccurate or convey impressions that are distorted—not to say perverted—and entirely misleading. It is hard to believe that a trained professional reporter would swallow a hodgepodge of tales and gossip about any other sector of activity, inside or outside the government, with such gullible abandon. Why be so free with the intelligence community?

To turn to the case in point, the reviewer remarks in an introductory passage that the book is "flawed" by "bad writing, bad taste and bad logic." On most subjects this would suggest need for caution about the validity of the book as a whole. But not, apparently, where charges against the intelligence community are concerned, and the reviewer goes on to repeat a number of "startling disclosures, allegations and horror stories." These include a number of peculiarly repulsive attacks on Richard Helms alleging Byzantine maneuvering on his part—and worse—to destroy his competitors.

It is easy enough to see how the latrines of the government could spew forth this kind of stuff. It is not easy to see how a responsible publisher should publish it or why a responsible journalist would wish to give it credence.

These charges in fact are all easily refutable. For example, Helms is charged with "destroying" his former deputy, Admiral Rufus Taylor. Even the most casual acquaintance of Admiral Taylor knows that he agreed to remain on active service to become deputy di-

rector of central intelligence in 1965 with the greatest reluctance. He had meant to retire at the expiration of his service as director of naval intelligence but was persuaded to remain for another tour as deputy director of CIA. What he wanted to do personally was to fix up a place which he had recently acquired in South Carolina and indulge his interests in wildlife preservation and game management. When asked to stay on for still another term and serve as Helms's deputy he, in effect, agreed to postpone felicity a little longer because of what he considered the call of duty.

Far from destroying him Helms made every effort to keep Admiral Taylor in government service and only forwarded his resignation to the President at his insistence and with genuine and deep regret. This suggests the general level of authenticity of the other "disclosures, allegations and horror stories" insofar as they involve circumstances with which I am personally familiar.

This brings us to the question of censorship. Under the Marchetti case, which Ross appears to deplore, the Supreme Court held in effect that a former employee of CIA could be restrained from publishing material that he had promised not to publish. The fact that disclosure of the material which is "suppressed" would, in the opinion of responsible officials, compromise national security hardly makes the Marchetti rule an iniquitous one. However that may be, the McGarvey book, being subject to the same rule of law, was presumably subject to review and "censorship" by CIA.

Assuming that this was in fact the case, one concludes that the censor's hand is not a heavy one. One can presume that only a very few items which clearly compromised the security of on-going operational activity or some other sensitive security interest were deleted. The director of central intelligence is apparently prepared to overlook personal abuse—no matter how preposterous or invidious—and general

charges of incompetence and irresponsibility—no matter how ill-founded.

Why? Partly, I suppose, because the record of efforts to refute some of the wilder charges leveled against CIA and the intelligence community has been so discouraging. Ask to see the manuscript, prior to publication, of a book about intelligence operations and official policy by an author who could not possibly have anything better than third hand access to the actual facts about a given incident and a wild cry of "gestapo tactics" and "censorship" goes up.

Attempt to establish an effective dialogue with members of the press about the programs for which you, as DCI, are responsible, and you are immediately accused, as witness this review and book, of "blunting the investigative spirit of the major newspapers and magazines by taking their correspondents to lunch." Try to correct inaccuracies and false impressions by telling the "whole truth" about a particular situation or incident and see what that does to the security of your sources and methods.

Perhaps the best reason why those in charge of American intelligence prefer to let these allegations go unchallenged is their confidence that the American people, on balance, recognize garbage when they see it.

Any reasonable person would agree that incompetence and blunders are fair game for any reporter. What my former colleagues in the intelligence services deplore and find incomprehensible is what appears to be the deliberate tilting, to coin an expression, of the image of their activities in a discreditable balance. It is easy to understand why our adversaries abroad would wish, by inference, misrepresentation or otherwise, to paint a picture of American intelligence which is as dark and delinquent as possible. But why should American citizens contribute to this tilting process? And what creditable purpose does it serve?

JOHN A. BROSS
McLean, Virginia